

Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 36 September 5, 1991 Pages 1305-1336

In this issue . . .

Page

| | |
|--|------|
| Board of Adult Care Home Administrators | |
| Notice of meeting | 1306 |
| Kansas Commission for the Deaf and Hearing Impaired | |
| Notice of meeting | 1306 |
| Kansas Arts Commission | |
| Notice of meeting | 1306 |
| Notice of Salary Assistance Program for arts agencies..... | 1307 |
| State Board of Technical Professions | |
| Notice of meeting | 1307 |
| Kansas Judicial Council | |
| Notice of meetings | 1307 |
| Department of Revenue—Division of Taxation | |
| Request for bids for oil and gas lease | 1307 |
| University of Kansas | |
| Notice to bidders..... | 1308 |
| Notice to bidders for state purchases..... | 1308 |
| Executive appointments..... | 1309 |
| Kansas Water Authority | |
| Notice of meeting..... | 1309 |
| Department of Health and Environment | |
| Notice of hearing on proposed administrative regulations..... | 1309 |
| Notice concerning Kansas water pollution control permits..... | 1310 |
| Secretary of State | |
| Usury rate for September | 1311 |
| Kansas Commission on Governmental Standards and Conduct | |
| Advisory Opinions No. 91-27 through 91-33..... | 1311 |
| State Board of Mortuary Arts | |
| Notice of meeting and hearing on proposed administrative regulations | 1315 |
| Temporary Administrative Regulations | |
| State Board of Agriculture | 1315 |
| Office of the Securities Commissioner | 1316 |
| Permanent Administrative Regulations | |
| Kansas Racing Commission | 1316 |
| State Board of Agriculture | 1319 |
| State Board of Agriculture—Division of Weights and Measures | 1322 |
| Attorney General | |
| Opinions No. 91-46a and 91-92 through 91-97..... | 1323 |
| Notice of Bond Sale | |
| City of Bentley..... | 1325 |
| City of Chanute..... | 1325 |
| Notice of Bond Redemption | |
| City of Dodge City | 1326 |
| City of Pittsburg | 1326 |
| Kansas Wildlife and Parks Commission | |
| Notice of meeting and hearing on proposed administrative regulations | 1327 |
| State Corporation Commission | |
| Notice of hearing..... | 1328 |
| Notice of motor carrier hearings..... | 1330 |
| Legislative interim committee schedule..... | 1332 |
| Index to administrative regulations..... | 1333 |

State of Kansas

**Board of Adult Care Home
Administrators****Notice of Meeting**

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, September 13, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka.

Cathy Rooney, Director
Health Occupations Credentialing

Doc. No. 011039

State of Kansas

**Kansas Commission for the Deaf
and Hearing Impaired****Notice of Meeting**

The Kansas Commission for the Deaf and Hearing Impaired will meet from 1:30 to 4:30 p.m. Friday, October 11, at the Lamm Dining Room in the Roth Building, Kansas School for the Deaf, 450 E. Park, Olathe.

Brenda J. Eddy
Executive Director

Doc. No. 011044

State of Kansas

Kansas Arts Commission**Notice of Quarterly Meeting**

The Kansas Arts Commission will conduct its next quarterly business meeting from 9 a.m. to 3 p.m. Friday, September 27, at the Deines Cultural Center, 820 N. Main, Russell. The commissioners will award fiscal year 1992 Design Arts/Capital Aid grants, Rural Arts Cultural Development grants, and Planning Education in the Arts in Kansas (PEAK) grants.

The FY 92 budget and the proposed FY 93 budget, plans for a multi-state regional rural arts conference scheduled for November 21-22 in Abilene, and issues regarding accessibility to arts programs and facilities will be discussed.

To be approved are applications by the commission to the National Endowment for the Arts for funding support during FY 93, and guidelines and panels for commission programs in FY 93.

Meetings of the Kansas Arts Commission, a state agency, and of its funding advisory panels are open to public observation.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen
Executive Director

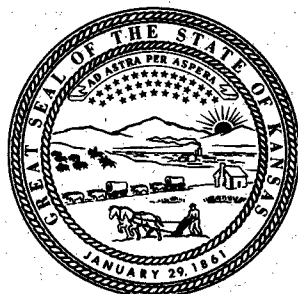
Doc. No. 011056

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.15 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1991. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Bill Graves
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236



Register Office:
235-N, State Capitol
(913) 296-3489

State of Kansas

Board of Technical Professions

Notice of Meeting

The Kansas Board of Technical Professions will meet Friday, September 13, in Topeka. The Architect and Landscape Architect Committee and the Professional Engineering and Land Surveyor Committee will meet at 10 a.m. at the board office, Room 507, Landon State Office Building, 900 S.W. Jackson. The full board will meet at the conclusion of the committee meetings. All meetings are open to the public.

Betty L. Rose
Executive Secretary

Doc. No. 011058

State of Kansas

Kansas Arts Commission

Notice of Salary Assistance Program
for Arts Agencies

Community arts agencies without salaried, full-time directors are invited by the Kansas Arts Commission to submit letters of intent to apply to the new Salary Assistance Program. The commission has received a grant from the National Endowment for the Arts for a new program designed to help local arts agencies provide salary and benefit support for first-time, full-time executive directors. Only non-profit local arts agencies, incorporated in Kansas, with part-time or volunteer directors are eligible for this two-year program.

A local arts agency is defined as: An officially designated public, or private, not-for-profit council, commission, society or organization which by its charter and operating policies is publicly accountable to provide service, support, programming and/or financial support for the arts in the community it serves.

The deadline for letters of intent to apply for the salary assistance program is 5 p.m. Friday, September 20, at the commission office. The full application will be due on Friday, October 18. The application form and guidelines will be distributed only to those organizations which submitted letters of intent. Two-year budgets and long-range organizational plans will be required from applicants.

Applicant organizations may request up to 50 percent of the costs for a full-time executive director during calendar year 1992, the first year of the program. The first round of grants will be awarded in November 1991. Depending upon their planning and performance during 1992, grantees also will be eligible to re-apply for up to 25 percent of the costs during calendar year 1993.

For more information, contact the Kansas Arts Commission, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen
Executive Director

Doc. No. 011057

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka.

| Date | Committee | Time | Location |
|----------|--------------|-----------|-------------------------------|
| Sept. 20 | Technology | 9:30 a.m. | Room 259 |
| Sept. 20 | Criminal Law | 9:30 a.m. | Court of Appeals Courtroom |
| Sept. 27 | Civil Code | 9:30 a.m. | Room 259 |
| Oct. 18 | Criminal Law | 9:30 a.m. | Room 259 |
| Oct. 18 | PIK | 9:30 a.m. | Court of Appeals Courtroom |

Justice Kay McFarland
Chairperson

Doc. No. 011051

State of Kansas

Department of Revenue
Division of TaxationRequest for Bids for
Oil and Gas Lease

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the state of Kansas, described as follows:

That portion of the Arkansas Riverbed as it meanders thru Sections 29 and 30, Township 21 South, Range 15 West, Pawnee County, Kansas; containing 93.3 acres more or less.

The bidding shall be considered upon the amount of bonus annual rental and the amount of royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids shall be submitted upon forms obtained from the Director of Taxation, 3rd Floor, Robert B. Docking State Office Building, Sand & Oil Lease Section, Topeka 66612. Lease shall be made on form 88—(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs in the local paper and the Kansas Register.

* Bids shall be opened at the office of the Director of Taxation at 2 p.m. October 7.

The Director of Taxation reserves the right to reject any and all bids and to readvertise.

Alisa M. Dotson
Director of Taxation

Doc. No. 011052

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, September 16, 1991

RFQ #92 0241

Microdialysis sampling system for awake, freely-moving animals

RFQ # 92 0251

Laboratory tables (benches) for use in chemistry department

RFQ # 92 0254

Gas chromatograph with photoionization detector

RFQ # 92 0255

High performance computer workstation

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 011036

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the purchase of the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, September 16, 1991

89723

University of Kansas—Paper, printing and binding

Tuesday, September 17, 1991

A-5920(a)

University of Kansas—Water distribution improvements, power plant

28103

Statewide—Mainframe/microcomputer interface hardware and software

89661

Kansas State University—Corn

89688

Department of Transportation—Photographic supplies and chemicals

Wednesday, September 18, 1991

27522

Kansas Highway Patrol—Police-type work jackets

28579

Kansas Correctional Industries—Cold rolled, aluminum sheets and extruded panels

89649

University of Kansas Medical Center—Musical instrument (piano)

89660

Department of Wildlife and Parks—Audio-video equipment, Pratt

89674

Pittsburg State University—Prime 6350 series device carriers

Thursday, September 19, 1991

28099

Kansas Correctional Industries—Replacement respirator filter cartridge, Hutchinson

89691

Kansas State University—Fluorometer, micro-plate, CO2 incubator

89698

Wichita State University—Photocopier

Friday, September 20, 1991

89710

Wichita State University—Variable speed drive

89711

Department of Wildlife and Parks—Furnish and install siding and guttering, various locations

89712

Board of Agriculture—Lab balances and pH/ISE meter

89713

Department of Revenue—Numeral coating machine

89717

Department of Transportation—Fuel tank, various locations

89719

Department of Transportation—Wood signposts, Topeka and Chanute

89720

Hutchinson Correctional Facility—Numbering and perforating machine

89727

Department of Transportation—Survey equipment, Salina

89728

Department of Transportation—Bituminous plant mix, Sumner County and Winfield

Monday, September 23, 1991

27146B

Statewide—Retread tires

Tuesday, September 24, 1991

27376

Statewide—High speed printer ribbons

27834

Statewide—Maintenance and installation of telecommunications equipment

Request for Proposals

Friday, September 20, 1991

28583

Telemarketing services for the Department of Commerce

Leo E. Vogel
Acting Director of Purchases

Doc. No. 011043

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officers are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office.

The following appointments were filed August 26-30:

State Representative, 102nd District

Janice Pauls, 1634 Baker, Hutchinson 67501. Term expires when a successor is elected and qualifies according to law. Succeeds Donna Whiteman, resigned.

Cherokee County Treasurer

Hazel Kresyman, Route 4, Columbus 66725. Term expires when a successor is elected and qualifies according to law. Succeeds Sally Saporito, resigned.

Edwards County Clerk

Pam Meadows, 520 S. Atwood Ave., Kinsley 67547. Term expires when a successor is elected and qualifies according to law. Succeeds Bea Coats.

Grant County Register of Deeds

Lana Childers, P.O. Box 325, Ulysses 67880. Term expires when a successor is elected and qualifies according to law. Succeeds Rheba Baker, resigned.

Kansas Board of Barbering

Ronald G. Nespore, 1005 Whitfield, Wichita 67206. Term expires April 30, 1994. Succeeds Keith Olson.

Kansas Companion Animal Advisory Board

Margaret Kerr, Breeder/Broker, 10340 N.W. 46th, Silver Lake 66539. Term expires June 30, 1992.

Kansas Film Services Commission

Carol Duffy McDowell, 1321 Lakeside Drive, Topeka 66604. Term expires June 30, 1994. Succeeds Kent Dickinson.

Kansas Commission on Governmental Standards and Conduct

Michael Norris, P.O. Box 25625, Overland Park 66205. Appointed by the President of the Senate.

Kansas Law Enforcement Training Commission

Cheryl J. Roberts, Chairperson, 3503 E. Lewis, Wichita 67218. Effective September 26, 1991. Term expires July 1, 1992. Succeeds Ed Bideau III.

Kansas Military Advisory Board

Ray J. Zeferjahn, 2429 Valley Brook Lane, Topeka 66614. Serves at the pleasure of the Governor. Succeeds Duane Bridges.

Bill Graves
Secretary of State

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet September 18 at the King Center on north Main Street, Jetmore. A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin
Chairman

Doc. No. 011053

State of Kansas

Department of Health
and Environment

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, October 23, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider adoption of K.A.R. 28-39-77 as a permanent rule of the Department of Health and Environment. The proposed regulation change represents a fee increase for the annual fee for adult care homes. This fee increase is a result of a recommendation made by the House Appropriations Committee and the Senate Ways and Means Committee during the 1991 legislative session.

K.A.R. 28-39-77 is being revised to increase the fee for adult care homes from \$50 plus \$7 per bed to \$50 plus \$15 per bed. The fiscal impact of this increase will be approximately \$239,710 in fees to be paid annually by adult care homes to the licensing agency.

Copies of the proposed regulation and a complete economic impact statement may be obtained by contacting Patricia Maben, Bureau of Adult and Child Care, Department of Health and Environment, Suite 1001, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit such comments prior to hearing to the address above. All interested parties also will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed regulations. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in these proposals.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011045

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the water pollution abatement facilities for the feedlots described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a Kansas water pollution control facility and/or a national pollutant discharge elimination system permit.

| Name and Address of Applicant | Legal Description | Receiving Water |
|-------------------------------|---|-----------------------------|
| Bornholdt Farm | SE/4 Section 28, Township 20S, Range 5W, McPherson County, Kansas | Little Arkansas River Basin |

Kansas Permit No. A-LAMP-B001

The feedlot has capacity for approximately 550 cattle and a contributing drainage area of approximately 7.7 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 3.2 acre-feet.

Compliance Schedule: The existing facility has been required to install water pollution control facilities covered by this permit. It had previously operated without runoff pollution controls.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|--|---------------------|
| Dean Goetz Route 1, Box 77 Hill City, KS 67642 | NW/4 Section 19, Township 8S, Range 22W, Graham County, Kansas | Solomon River Basin |

Kansas Permit No. A-SOGH-S004

The proposed expanded facility will have capacity for approximately 620 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

- 1) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.
- 2) Proof of purchase or an agreement for use, lease or rent of wastewater dewatering and distribution equipment meeting the minimum permit requirements shall be submitted to this department before December 1, 1991.
- 3) The permit will not become effective until permeability test results are submitted to this department showing the waste retention structure has been properly sealed to meet the maximum $\frac{1}{4}$ inch per day seepage requirement.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|--|----------------------|
| Allen D. Tucker Box 333 Elkhart, KS 67950 | NE/4 Section 5, Township 35S, Range 42W, Morton County, Kansas | Cimarron River Basin |

Kansas Permit No. A-CIMT-S001

The existing facility has the capacity for approximately 120 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|------------------------|
| Urban Dairy Barry Urban Route 1, Box 118 Bison, KS 67520 | SE/4 Section 17, Township 16S, Range 17W, Rush County, Kansas | Smoky Hill River Basin |

Kansas Permit No. A-SHRH-M001

The existing facility has the capacity for approximately 85 head of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: Water pollution controls shall be installed according to the approved plans by November 1, 1991. A permeability test shall be conducted on the completed impoundments and the results submitted to this department by January 1, 1992.

Written comments on the proposed permits may be submitted to Angela Buie, Bureau of Water, Industrial Programs Section, Kansas Department of Health and Environment, Forbes Field, Topeka 66620-0001. All comments received prior to October 5 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-79/82) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the above address.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011046

State of Kansas

Secretary of State

Usury Rate for September

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of September 1, 1991, through September 30, 1991, is 10.74 percent.

Bill Graves
Secretary of State

Doc. No. 011038

State of Kansas

Commission on Governmental
Standards and Conduct

Advisory Opinion No. 91-27

Written August 21, 1991, to Elizabeth E. Taylor, Executive Director, Kansas Tobacco-Candy Distributors and Vendors, Inc., Topeka.

This opinion is in response to your letter of July 17, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as the executive director of the Kansas Tobacco-Candy Distributors and Vendors, Inc.

You advise us that your organization wants to sponsor an event on Halloween to be held at Cedar Crest for children in the community. Your organization would provide staff with candy bags to be given to the children. You also are considering giving candy bags for the governor to distribute to children who are hospitalized. You ask whether these programs are permissible under K.S.A. 46-215 *et seq.*

Since the gifts you plan to give will be received by the children, we find no section of the act that applies.

Advisory Opinion No. 91-28

Written August 21, 1991, to The Honorable Ken Grote-wiel, State Representative, Wichita.

This opinion is in response to your letter of May 24, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*).

We understand you request this opinion in your capacity as a state representative. You tell us that the National Institute of Mental Health has awarded a grant to the state of Kansas through the Department of Social and Rehabilitation Services to provide crisis counseling to victims of the recent tornadoes in Sedgwick, Butler and Cowley counties. To monitor participating agencies and report on their activities, the grant requires a grant administrator. SRS has decided to provide for this position on a contract basis. That position has been offered to you.

1991 Supp. K.S.A. 46-233(b) is the only portion of the act that specifically applies to the type of situation you have described. That subsection states:

No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

As we understand the situation, the federal grant is placed in a special project account state fund. Thus, the contract is ultimately funded by this state account and so long as the disclosure statement is filed, the situation you have described is permitted.

Advisory Opinion No. 91-29

Written August 21, 1991, to Marjorie A. Gronniger, Eudora.

This opinion is in response to your letter of July 7, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as a member of the school board for U.S.D. 491 in Eudora, Kansas.

You state that prior to election to the board, you served as chairman of a group called "Friends of the Old High School." This group collected \$5,000 to put up as a bond during legal efforts to save the old high school. You contributed \$100 to this fund.

One of the issues at the first board meeting will be a vote on whether to take action to recover the bond. If the bond is not then taken you could be refunded your \$100 contribution.

You ask whether you may participate in the board's deliberations concerning the bond.

K.S.A. 75-4304 and 75-4305 might apply to this situation. Those sections state:

K.S.A. 75-4304:

(a) No public officer or employee shall in his or her capacity as such officer or employee, make or participate in the making of a contract with any person or business by which he or she is employed or in whose business he or she has a substantial interest, and no such person or business shall enter into any contract where any public officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business. A public officer or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contract. This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) Contracts for property or services for which the price or rate is fixed by law.

(b) Any public officer or employee who is con-

(continued)

victed of violating this section shall forfeit his or her office or employment.

K.S.A. 75-4305:

Any public officer or employee who has not filed a disclosure of substantial interests and who, while acting in his or her official capacity, shall pass upon any matter which will affect any business in which such officer or employee shall hold a substantial interest, shall, before he or she acts upon such matter, file a written report of the nature of said interest with the office of the secretary of state, if such person is a state officer or employee, or if such person is an officer or employee of a municipal or quasi-municipal corporation, with the county clerk of the county in which all or the largest geographical part of such municipal or quasi-municipal corporation is located. A public officer or employee does not pass or act upon any matter if he or she abstains from any action in regard to the matter.

K.S.A. 75-4304 does not apply to this situation, since we are not concerned with a contract between the school board and the group but rather an administrative decision by the board on whether to collect the bond.

Thus, we turn to K.S.A. 75-4305. Technically as chairman of the group you hold a "substantial interest" in it by definition of K.S.A. 75-4301 and as an association it meets the definition of "business." Thus, the threshold requirements of this section are met and you must either abstain from all action or file the required disclosure statement if you have not already done so. If you properly disclose then you may legally participate in the decision.

Advisory Opinion No. 91-30

Written August 21, 1991, to Robert N. Symmonds, Symmonds & Symmonds, Emporia.

This opinion is in response to your letter of June 17, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as city attorney for the city of Americus, Kansas.

You advise us that the city is governed by a city council consisting of five council members and one mayor. It is a city of the third class.

You have been requested by the city to obtain an advisory opinion relative to whether or not the city of Americus can hire a council member who is also a department head.

At the present time the city council members are volunteers. The city wishes to hire a council member who is retired to assist the city's full-time maintenance man's duties. The council member would be hired intermittently as necessary when vacations are scheduled or whenever the maintenance department needs additional manpower.

The type of work to be performed would include, but would not be limited to the following, namely: mowing parks and grass along ditches, driving the

city's truck during snow removal, and other miscellaneous work where a second person is needed. The council member would be paid at the rate of \$4.25 an hour and would work as many hours as needed on a seasonal basis. On an annual basis, he would work less than 20 hours per week.

The position has not been advertised or submitted for competitive bids. You also advise us that the city council member did not participate in any of the discussions involving his proposed hiring, and he did abstain from voting on matters regarding his compensation.

It is our opinion, although the action of abstaining may not have been technically necessary, that since the city council member did abstain that his hiring clearly complies with K.S.A. 75-4301 *et seq.* This opinion is based on the condition that the city councilman avoided all discussions concerning the contract with other council members and city staff members concerning recommendations of his employment, and did not vote on the contract.

Advisory Opinion No. 91-31

Written August 21, 1991, to Carol Lehman, Mayor, City of Gardner.

This opinion is in response to your letter of July 31, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as the mayor of the city of Gardner, Kansas.

You tell us that three of your five council members are employed by the local school district (U.S.D. 231), and another council member's spouse is also employed by the district. Therefore, potentially four out of five voting members of the governing body have a conflict of interest on some issues involving the school.

For instance, the governing body wanted to consider exempting the school from our outside of town water rate for the junior high school that is located outside the corporate limits. The proposal was to charge the school the "in town" rate, which would have saved the school district approximately \$500/year. However, because water rates are set by ordinance, and water services are considered as contracts by the city staff, the governing body could not vote on the issue.

You ask several questions which we reduce to the following: Does the local conflict of interest law, K.S.A. 75-4301 *et seq.*, restrict the conduct of individuals who may serve on two public bodies or serve on one public body and be employed by another?

K.S.A. 75-4304 is the operative section. That section states:

(a) No public officer or employee shall in his or her capacity as such officer or employee, make or participate in the making of a contract with any person or business by which he or she is employed or in whose business he or she has a substantial interest, and no such person or business shall enter into any contract where any public officer or employee, acting in such capacity, is a signatory to or a participant in the making

of such contract and is employed by or has a substantial interest in such person or business. A public officer or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contract. This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) Contracts for property or services for which the price or rate is fixed by law.

(b) Any public officer or employee who is convicted of violating this section shall forfeit his or her office or employment.

For this section to apply a public entity would have to be included within the definition of "person" or "business." This commission has consistently held this interpretation not to the case. Thus, *K.S.A. 75-4301 et seq.* places no restrictions on the conduct of individuals who may serve on two local public bodies or serve on one and be employed by another.

We note in closing that under the law that regulates state agencies (*K.S.A. 46-215 et seq.*) this would be illegal.

Advisory Opinion No. 91-32

Written August 21, 1991, to Gordon B. Stull, Attorney at Law, Pratt.

This opinion is in response to your letter of May 21, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest law (*K.S.A. 75-4301 et seq.*).

We note at the outset that our opinion is limited to an interpretation of the above sections and we express no opinion on whether or to what extent the canons of ethics applicable to lawyers applies to your question.

You state you are now, and have been since January 1990, county counselor for Pratt County, Kansas. You had previously served as Pratt county attorney but did not run for re-election in the last general election. In addition, you are in the general practice of law.

A few years ago, due to increasing costs and due to changes in rules which allowed certain attorneys to refuse to accept appointments in indigent cases, the board of county commissions of Pratt County, Kansas, decided to hire one attorney to handle principally all of the indigent appointments to certain types of cases. Initially, the board just negotiated with and contracted with the John V. Black law firm for such services. The contract with Mr. Black's office continued for some time, and then last year Mr. Black came to the board and asked for a significant increase in the amount his firm was being paid for those services. The board then determined that if there was going to be that much of an increase over the previous amount paid, that they would solicit bids to determine if anyone else was interested in providing such services and what price they might charge.

As a result, written solicitations were sent out to all members of the bar in Pratt, Kingman, Harper and Barber counties, Kansas. As a result of that bidding three bids were obtained: one from the Megaffin & Brown firm in Pratt, one from Mr. Black's firm and

one from Kingman County, Kansas. The bid from Kingman County, Kansas, was the lowest but the board, after consideration of the matter and the fact that an attorney would have to be traveling from out of county making coordination difficult for clients and for the court, determined that even though the Kingman County bid was lower, the Pratt County bid of Mr. Black would be in the best interest of the county and so a new contract for calendar year 1991 was entered into with Mr. Black.

The board determined this spring that they would solicit bids for calendar year 1992 so that the amount to be paid would be known prior to fixing budgets in the summer of 1991. The board of county commissioners requested you to solicit bids from all attorneys within Pratt County, Kansas, for providing public defender services for calendar year 1992. This notice for request of bids is substantially the same form as the previous bid solicitation request.

At the close of the bid period set forth in the notice, three bids had been received, one from Megaffin and Brown, one from Connie L. Gibbons who is an associate of Mr. Black's office, and one from your office.

Your bid was the lowest and the board voted to accept the bid. Even though the bid was accepted, however, the bid notice provided that the successful bidder would be required to enter into a written contract with the board on terms mutually agreeable. As of this time, no written contract has been entered into between you and the board.

You ask whether you would violate Kansas law if you would enter into a contract for the furnishing of these public defender services under the circumstances related to us.

K.S.A. 75-4304 is the only section of the act that might prohibit the conduct you describe. Subsection (d)(1), however, precludes from the operations of the section "contracts let after competitive bidding has been advertised for by published notice." The question then is whether a written solicitation sent to every possible candidate constitutes "published notice" or whether some sort of newspaper advertisement is required. A review of several reference sources leads us to the view that the process followed here constitutes "published notice" under these particular circumstances. Thus, the limitation applies and the situation you describe is permissible. Although not necessary for determination of this issue, we also note it is entirely possible that you do not meet the definition of a public officer or employee although we would need further factual information to determine that issue.

In closing, we suggest you contact the appropriate office of the Supreme Court to determine whether this situation is covered by the Canons of Ethics.

Advisory Opinion No. 91-33

Written August 21, 1991, to all interested persons:

Pursuant to *K.S.A. 46-254*, the Kansas Commission on Governmental Standards and Conduct takes this opportunity to issue its opinion concerning House Bill 2454, Section 26(c).

House Bill 2454, Section 26, in its entirety states:

(continued)

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give, or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of that agency.

(d) Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee in the performance of such officer's or employee's official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon. For the purposes of this subsection, the term recreation shall not include the providing of payment of the cost of transportation or lodging.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations ex-

cept that any gift accepted from such foreign governmental agency, having an aggregate value of \$100 or more shall be accepted on behalf of the state of Kansas.

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

The issue is whether the exception in subsection (d) for hospitality items applies to subsection (c). In other words, is any individual licensed, regulated or inspected by a state agency limited to giving \$40 in a calendar year to a member of that agency including the provision of food, beverage and recreation in the hospitality setting?

In analyzing this situation, it must be noted that the language in subsection (d) relates to a presumption concerning the purpose of the provision of hospitality. This presumption is important under subsection (a) and (b) of this section because under those subsections the gift limitations are qualified by a purpose to influence the recipient test. This is not true, however, under subsection (c), and it is therefore our opinion that subsection (d) does not modify subsection (c).

Thus, the limitation on hospitality in subsection (c) situations is absolute at \$40 in a calendar year. For example, officers and employees of agencies such as the Insurance Department, Department of Transportation, Kansas Corporation Commission, Department of Agriculture, etc., who are involved in licensing, regulating or inspecting, may not accept lunches, golf games, dinners, drinks or any other thing of value in excess of \$40 in a calendar year from any person the agency licenses, regulates or inspects.

Richard C. Loux
Chairman

Doc. No. 011037

State of Kansas

Board of Mortuary Arts

Notice of Meeting and Hearing
on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, October 11, in the board's office, 1200 S. Kansas Ave., Suite 2, Topeka, to consider the adoption of proposed changes in existing regulations. This 30 day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the board's Topeka office. All interested parties will be given a reasonable opportunity to present their views orally in the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes. During the hearing, all written and oral comments submitted by interested parties will be considered by the board as a basis for approving, amending or rejecting the proposed regulations.

The following is brief summary of the regulations proposed for amendment:

K.A.R. 63-1-1, Definitions—Changes resulting from 1991 House Bill No. 2083. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-1-3, Registration and Apprenticeship—Changes resulting from 1991 House Bill No. 2083. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-1-12, Embalmers Biennial Renewals—Changes resulting from 1991 House Bill No. 2083. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-3-11, Preparation and Transportation of Dead Human Bodies—A new section on refrigeration regarding transportation has been added. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-3-17, Services and Merchandising Pricing—A new section on rental caskets has been added. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-3-19, Establishment Licenses—Branch establishments are being added to this regulation. Economic Impact Summary: No economic impact will occur.

K.A.R. 63-4-1, Payment of Fees—Fee increases to take effect January 1, 1992, are proposed for 8 to 10 licensing categories. Economic Impact: Renewals will increase \$24 for every two year licensing period. Examination and reciprocal fees are also being increased at different levels. These increases will result in maintaining the board's budget at a consistent level.

K.A.R. 63-6-1, Continuing Education Requirements—Grammatical changes. Economic Impact Summary: No economic impact will occur.

Copies of the regulations and economic impact statements may be obtained from the board's Topeka office, (913) 296-3980.

The board's regularly scheduled business meeting will be at 9 a.m. Thursday, October 10, at the board's Topeka office.

Mack Smith
Executive Secretary

Doc. No. 011035

State of Kansas

Board of Agriculture

Temporary Administrative
Regulations

Article 33.—MILL LEVY ASSESSMENT

4-33-1. Mill levy assessment. (a) Except as provided in paragraph (b) of this regulation, soybeans marketed through commercial channels in the state of Kansas shall be assessed at 20 mills per bushel. The assessment shall be levied and assessed to the grower at the time of sale.

(b) Whenever a federal marketing order issued pursuant to the soybean promotion, research, and consumer information act, section 1965 of public law 101-624 (7 U.S.C.A. 6301 et seq.) establishing a national checkoff program for soybeans becomes effective, all soybean assessments shall be assessed as provided in K.A.R. 4-33-2. As long as the federal marketing order remains in effect, no assessments shall be collected pursuant to paragraph (a) of this regulation.

(c) This regulation shall be in force and effect from and after September 1, 1991. (Authorized by K.S.A. 2-3006; implementing 1990 Supp. K.S.A. 2-3007 as amended by 1991 SB 323, Sec. 4 and 1991 SB 323, Sec. 6, 7; effective July 1, 1989; amended, T-4-8-23-91, Sept. 1, 1991.)

4-33-2. Assessment under federal marketing order. (a) While any federal marketing order issued pursuant to the soybean promotion, research, and consumer information act, section 1965 of public law 101-624 (7 U.S.C.A. 6301 et seq.) is in effect, soybeans marketed through commercial channels in the state of Kansas shall be assessed at the rate of one-half of 1 percent of the net market price of soybeans sold by the producer or grower to the first purchaser. The assessment shall be levied and assessed to the producer or grower at the time of sale.

(b) This regulation shall be in force and effect from and after September 1, 1991. (Authorized by K.S.A. 2-3006 as amended by SB 323, Sec. 3; implementing 1990 Supp. K.S.A. 2-3007 as amended by 1991 SB 323, Sec. 4 and 1991 SB 323, Sec. 6, 7; effective, T-4-8-23-91, Sept. 1, 1991.)

Gary Hall
Acting Secretary of Agriculture

Doc. No. 011031

State of Kansas

Office of the Securities
CommissionerTemporary Administrative
RegulationsArticle 4.—REGISTRATION OF
SECURITIES

81-4-1. Registration of securities. (a) Original applications. Application to register securities for sale in the state of Kansas shall be filed with the commissioner in substantially the form and content required by the application form specified in K.A.R. 81-2-1(d) together with the exhibits required for applications for registration by either notification, coordination or qualification. Each application shall be accompanied by the fee specified in K.S.A. 17-1259(b)(1), and amendments thereto based on the amount of securities to be registered. The maximum fee for each application to register securities shall be \$1,500.

(1) Applications for registration, post-effective amendments, and extension applications of a face-amount certificate company or an open-end management company or unit investment trust shall be limited to a maximum aggregate offering amount of \$10,000,000.

(2) Any application for which notification has been filed with the SEC under Regulation A shall be filed with this office only by qualification.

(b) Amendment applications. Applications for post-effective amendment to securities registration may be accomplished by filing applicable amended documents required with the registration statement. Each application for post-effective amendment of the name of the issuer or aggregate amount of securities registered shall be accompanied by a fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto. Amendments to increase the aggregate amount of securities registered may require payment of an additional fee specified in K.S.A. 17-1259(b)(1), and amendments thereto, unless the annual maximum fee under that section has been paid.

(c) Extension applications.

(1) Applications to extend the period of effectiveness for securities registration pursuant to K.S.A. 17-1259(a), and amendments thereto, shall include the following:

(A) Form K-1 or a uniform form which includes the same information;

(B) a filing fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto;

(C) a registration fee as specified in K.S.A. 17-1259(b)(1), and amendments thereto, in an amount not to exceed \$1,500, based on the aggregate amount of securities to be offered during the extended period of effectiveness;

(D) one copy of the prospectus to be provided for offers during the extended period of effectiveness which includes audited financial statements for the most recent fiscal year of the issuer. If the extension request occurs before such statements are available, the

issuer shall undertake to file an updated prospectus containing the statements no later than 90 days after the end of the fiscal year.

(2) Extensions of registration shall remain effective for one year. The effective date of an extension of registration shall be the date upon which the previous effective registration period expired.

(3) The due date for filing extension applications shall be 30 days prior to the date on which a registration is due to expire.

(d) Abandoned applications.

(1) Applications on file with the commissioner for 6 months or more shall be deemed abandoned if no response to inquiries or deficiency notices of the commissioner's staff has been filed as requested.

(2) Abandoned applications will be disregarded and a notice of abandonment shall be issued by the commissioner after reasonable inquiry. Further consideration of abandoned applications shall require the filing of a new, complete application. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259, as amended by 1991 HB 2463, Sec. 1; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987, amended May 1, 1988; amended, T-81-8-23-91, Aug. 23, 1991.)

James Parrish

Kansas Securities Commissioner

Doc. No. 011030

State of Kansas

Kansas Racing Commission

Permanent Administrative
Regulations

Article 16.—SIMPLIFIED HEARING PROCEDURES

112-16-1. Definitions. (a) "Commission" means the Kansas racing commission.

(b) "Executive director" means the executive director of the commission.

(c) "Hearing body" means the commission when it conducts hearings that are not governed by the Kansas administrative procedure act and the board of stewards and the board of racing judges when they conduct hearings pursuant to K.S.A. 74-8816. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-2. Report of alleged violation. (a) Any person may file a report of alleged violation in any commission office.

(b) Any person reporting an alleged violation shall fully execute the report form available in commission offices. Incomplete forms shall not be accepted by commission personnel. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-3. Notice of alleged violation and hearing.

(a) If disposition of the allegation raised in the report

may result in a fine, suspension, exclusion or expulsion from a racetrack facility, the hearing body shall provide the respondent with reasonable notice of the alleged violation and hearing.

(b) The notice of alleged violation and hearing shall include the following information:

(1) the time and location of the hearing;

(2) the identity of the hearing body and an address and telephone number where the respondent may contact the hearing body;

(3) the case number and the name of the proceeding;

(4) a statement of the legal authority and a general description of the allegation, including the time of occurrence;

(5) a statement that a respondent who fails to attend the hearing may be subject to the entry of an order that is justified by the evidence presented at the hearing; and

(6) a statement that a respondent has the right to appear at the hearing in person or with counsel, the right to produce any evidence and witness on the respondent's behalf, the right to cross-examine any witness who may testify against the respondent and the right to examine any evidence that may be produced against the respondent. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-4. Waiver. Except to the extent precluded by another provision of law, a person may waive any right conferred upon that person by these racing regulations. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-5. Informal settlements. Nothing in these racing regulations shall preclude informal settlement of matters that may make a hearing unnecessary. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-6. Participation and representation. Whether or not participating in person, any respondent may be represented by counsel at the respondent's own expense. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-7. Subpoenas, stewards' and racing judges' hearings. (a) Any party to a stewards' or racing judges' hearing may request that the executive director issue a commission subpoena in accordance with K.S.A. 1990 Supp. 74-8804(d).

(b) Subpoenas shall be served by a person designated by the executive director. Service shall be in person and at the expense of the requesting party. Proof of service shall be shown by affidavit.

(c) Subpoenas issued by the executive director may be enforced pursuant to the provisions of the Kansas

parimutuel racing act. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-8. Presiding officer. (a) The chief steward or racing judge or chairman of the commission or another person designated by the hearing body may be the presiding officer.

(b) For stewards' and racing judges' hearings, if a substitute is required for a presiding officer or other member of the hearing body who is unavailable for any reason, the executive director may appoint a substitute. Any action taken by the duly appointed substitute is as effective as if taken by the unavailable member. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-9. Hearing procedure. (a) The presiding officer shall regulate the course of the proceedings.

(b) To the extent necessary for full disclosure of all relevant facts and issues, the presiding officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence.

(c) Upon the request of the respondent, the presiding officer may conduct all or part of the hearing by telephone or other electronic means, if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

(d) The presiding officer shall cause the hearing to be recorded at the commission's expense. The commission is not required to prepare a transcript at its expense. Subject to such reasonable conditions as the presiding officer may establish, any party may cause a person other than the commission to prepare a transcript of the proceedings.

(e) The hearing is open to public observation, except for the parts that the presiding officer states to be closed pursuant to a provision of law expressly authorizing closure. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-10. Evidence. (a) A presiding officer need not be bound by technical rules of evidence, but shall give the parties reasonable opportunity to be heard and to present evidence, and the presiding officer shall act reasonably and without partiality. The presiding officer shall give effect to the rules of privilege recognized by law. Evidence need not be excluded solely because it is hearsay.

(b) All testimony of parties and witnesses shall be made under oath or affirmation, and the presiding officer or the presiding officer's designee who is legally authorized to administer an oath or affirmation shall have the power to administer an oath or affirmation for that purpose.

(c) Documentary evidence may be received in the

(continued)

form of a copy or excerpt. Upon request, parties shall be given an opportunity to compare the copy with the original if available.

(d) Official notice may be taken of:

(1) any matter that could be judicially noticed in the courts of this state; and

(2) the record of other proceedings before the stewards and racing judges or the commission. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-11. Orders. (a) Within a reasonable time after the hearing, the hearing body shall enter a written order.

(b) An order shall include a brief statement of the findings of the hearing body and any penalty prescribed. The findings shall be based exclusively upon the evidence of record and on matters officially noticed in the hearing.

(c) For stewards' and racing judges' hearings, the order shall also include a statement that it is subject to appeal to the commission and the available procedures and time limits for seeking an appeal. It shall further include a statement that any suspension imposed by the order shall be stayed pending appeal.

(d) For stewards' and racing judges' hearings, the hearing body may impose any penalty authorized by law and may refer the matter to the commission with findings and recommendations for imposition of greater penalties.

(e) An order is effective when rendered.

(f) The presiding officer shall cause copies of the order to be served upon each party to the proceedings. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-12. Service of order. (a) Service of an order shall be made upon the party and the party's attorney of record, if any, by delivering a copy of the order to the person to be served or by mailing a copy of the order or notice to the person at the person's last known address.

(b) Delivery means handing the order to the person or leaving the order at the person's principal place of business or residence with a person of suitable age and discretion who works or resides therein.

(c) Service shall be presumed if the presiding officer, or a person directed to make service by the presiding officer, makes a written certificate of service.

(d) Service by mail is complete upon mailing.

(e) Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of an order is served by mail, three days shall be added to the prescribed period. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-13. Fines. Each fine ordered by the stew-

ards and racing judges shall be due and payable in the commission office at the racetrack facility within 72 hours after service of the order imposing the fine, unless otherwise ordered by the stewards and racing judges. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

112-16-14. Appeal, stewards' and racing judges' hearing. (a) Each order entered by the stewards or racing judges that imposes a fine or suspension shall be subject to appeal to the commission.

(b) Each respondent who wishes to appeal a stewards' or racing judges' order shall file a notice of appeal in the stewards' or racing judges' office during regular office hours within 10 days after service of the order from which the respondent is appealing.

(c) Each notice of appeal shall be fully executed by the respondent upon the form available in the stewards' or racing judges' office. Incomplete forms shall not be accepted by commission personnel.

(d) Each notice of appeal form shall include a statement that in reviewing any stewards' or racing judges' order the commission may exercise broad decision-making powers and that, in doing so, the commission may reverse, remand for further hearing, increase any penalty or otherwise modify the order. The commission may also conduct a new hearing and suspend or revoke an occupation license or impose a fine of \$5000 for each violation of the racing act or regulations, or both.

(e) Any respondent may be deemed to have filed a notice of appeal within 10 days after service of the stewards' or racing judges' order if the respondent:

(1) within the appeal time described in subparagraph (b) of this racing regulation, files a writing that states an intention to appeal the order and that includes substantially the same information elicited in the appeal form available in the stewards' or racing judges' office; and

(2) within a period of time authorized by the chief steward or racing judge, fully executes and files in the stewards' or racing judges' office the appeal form available in that office. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8816 as amended by 1991 SB 375, Sec. 3; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991.)

Dana Nelson
Executive Director

Doc. No. 011042

State of Kansas

Board of Agriculture

Permanent Administrative
Regulations

Article 3.—COMMERCIAL FEEDING STUFFS

4-3-47. Adoption by reference. The definitions of feed ingredients and feed terms adopted by the "Association of American Feed Control Officials," as published on pages 108 through 209 of the "Official Publication of Association of American Feed Control Officials Incorporated" on January 1, 1991, are adopted by reference and shall apply to commercial feeding stuffs in this state. Copies of these definitions and terms may be obtained from the control office of the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 1990 Supp. 2-1013; implementing K.S.A. 2-1002 and 1990 Supp. 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991.)

4-3-49. Good manufacturing practices—adoption by reference. Part 225 of title 21 of the code of federal regulations, revised as of April 1, 1990, is hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas. Copies of the regulations, or pertinent portions of the regulations, are available from the office of control, division of inspections, Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 1990 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991.)

Article 7.—MILK AND DAIRY PRODUCTS

4-7-2. Health of herd. (a) All ungraded raw milk shall be from herds, and additions thereto, that comply with the requirements of Sec. (D)(1) of "milk for manufacturing purposes and its production and processing" as adopted by reference in K.A.R. 4-7-213.

(b) Milk and cream from cows affected with mastitis or which contains any residue from drugs used in the treatment of mastitis shall not be sold. (Authorized by K.S.A. 75-1401 and K.S.A. 1990 Supp. 65-720n; implementing K.S.A. 1990 Supp. 65-701 as amended by K.S.A. 1990 Supp. 65-701; effective Jan. 1, 1966; amended Jan. 14, 1991; amended Oct. 21, 1991.)

4-7-510. Adoption by reference. (a) Except for 21 C.F.R. 135.160, pertaining to water ices, part 135 of title 21 of the code of federal regulations, revised as of April 1, 1990, entitled "frozen desserts," is hereby adopted by reference. Copies of the regulations, or pertinent portions of the regulations, may be obtained from the office of the dairy commissioner, division of inspections, state board of agriculture, Topeka, Kansas.

(b) Notwithstanding the provisions of sub-section (a) above, a licensed food service establishment as defined in K.S.A. 36-501 as amended, may make homemade ice cream if the requirements of K.A.R. 4-7-511 are met. (Authorized by K.S.A. 75-1401 and K.S.A. 1990

Supp. 65-720a; implementing K.S.A. 1990 Supp. 65-720a; effective May 1, 1984; amended March 26, 1990; amended Oct. 21, 1991.)

4-7-513. Requirements for equipment used for manufacture of homemade ice cream by licensed food service establishments. (a) Containers in which homemade ice cream is mixed, manufactured or frozen shall be constructed from stainless steel, food grade plastic or other non-toxic materials approved by the dairy commissioner.

(b) Each container surface which comes into contact with the homemade ice cream mix or final product shall be smooth and free from pits, creases, cracks, crevices or other similar irregularities which may harbor bacteria or other deleterious organisms. (Authorized by K.S.A. 75-1401, K.S.A. 1990 Supp. 65-720a and 65-720n; implementing K.S.A. 1990 Supp. 65-720a and 65-720n; effective March 26, 1990; amended Oct. 21, 1991.)

4-7-530. Adoption by reference. (a) The following sections of title 7 of the code of federal regulations, revised as of January 1, 1991, are hereby adopted by reference:

- (1) All of section 58.126;
- (2) All of sections 58.132 through 58.138, inclusive; and

- (3) All of sections 58.605 through 58.654, except sections 58.646, 58.648 and 58.653.

(b) Copies of this material, or pertinent portions of the regulations, may be obtained from the office of the dairy commissioner, division of inspections, state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 1990 Supp. 65-720n; effective Oct. 21, 1991.)

4-7-531. Additional definitions. (a) Notwithstanding any language to the contrary, all references to any "standard of identity" in 7 C.F.R. 58.605, as adopted by reference in K.A.R. 4-7-530, mean the corresponding standard of identity established by K.A.R. 4-7-510.

(b) All references to "standard methods for the examination of dairy products" in the regulations adopted by reference in K.A.R. 4-7-530 mean the edition of the "standards for examination of dairy products" adopted by reference in K.A.R. 4-7-720.

(c) All references to "official methods of analysis of the association of analytical chemists" in the regulations adopted by reference in K.A.R. 4-7-530 mean the edition of the "official methods of analysis of the association of analytical chemists" adopted by reference in K.A.R. 4-7-720. (Authorized by K.S.A. 1990 Supp. 65-720n; implementing K.S.A. 1990 Supp. 65-720a and 65-720b; effective Oct. 21, 1991.)

4-7-532. Examination of frozen dairy desserts and frozen dairy dessert mixes. (a) A sample of any frozen dairy dessert or frozen dairy dessert mix may be taken by the dairy commissioner as often as the dairy commissioner deems necessary to prevent the introduction of or to remove any adulterated, misbranded or unclean frozen dairy desserts or frozen dairy dessert mixes from the marketplace.

(continued)

(b) Samples shall be taken at least annually at each business or location owned or operated by any person required to obtain a license to operate a dairy manufacturing plant or a counter freezer or to manufacture homemade ice cream. (Authorized by K.S.A. 1990 Supp. 65-720n; implementing K.S.A. 1990 Supp. 65-701, 65-720a and 65-720b; effective Oct. 21, 1991.)

4-7-533. Coliform and bacteria standards for frozen dairy desserts and frozen dairy dessert mixes. (a) Except as provided in subsection (c) of this regulation, each frozen dairy dessert product shall not contain more than 50,000 bacteria per gram as determined by the standard plate count and shall not contain more than 10 coliform organisms per gram in three out of the last five samples.

(b) Except as provided in subsection (c) of this regulation, each frozen dairy dessert mix shall not contain more than 20,000 bacteria per gram as determined by the standard plate count and shall not contain more than 10 coliform organisms per gram in three out of the last five samples.

(c) Each frozen dairy dessert product which has been produced by freezing or mixing a frozen dairy dessert mix in a counter freezer, the operation of which is required to be licensed under Kansas law, shall not contain more than 100,000 bacteria per gram as determined by the standard plate count and shall not contain more than 20 coliform organisms per gram in three out of the last five samples. (Authorized by K.S.A. 1990 Supp. 65-720n; implementing K.S.A. 1990 Supp. 65-701, 65-702a and 65-720b; effective Oct. 21, 1991.)

4-7-716. Adoption by reference. (a) Except for sections 1(X), 2, 9, 15, 16, 17, and 18, the 1989 revision of the grade A pasteurized milk ordinance, as published in public health service/food and drug administration publication no. 229, effective October 1, 1989, is hereby adopted by reference.

(b) Copies of the pertinent portions of the material adopted by reference shall be available from the inspections division of the Kansas state board of agriculture. (Authorized by and implementing K.S.A. 1990 Supp. 65-720n and 65-737a; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986; amended Dec. 26, 1988; amended Jan. 14, 1991; amended Oct. 21, 1991.)

4-7-717. Additional definitions. (a) All references to "this ordinance" in the grade A pasteurized milk ordinance adopted by reference in K.A.R. 4-7-716 shall mean K.A.R. 4-7-716.

(b) All references to "regulatory agency" in the grade A pasteurized milk ordinance adopted by reference in K.A.R. 4-7-716 shall mean the Kansas dairy commissioner or the commissioner's authorized representative.

(c) All references to "jurisdiction" in the grade A pasteurized milk ordinance adopted by reference in K.A.R. 4-7-716 shall mean the state of Kansas.

(d) Cottage cheese means the product defined in title 21, section 133.128 of the April 1, 1990 revision of the code of federal regulations. Grading of this product shall be optional.

(e) Dry curd cottage cheese means the product defined in title 21, section 133.129 of the April 1, 1990 revision of the code of federal regulations. Grading of this product shall be optional.

(f) Low fat cottage cheese means the product defined in title 21, section 133.131 of the April 1, 1990 revision of the code of federal regulations. Grading of this product shall be optional.

(g) All references to the "standard methods for the examination of dairy products of the American public health association" in the grade A pasteurized milk ordinance adopted by reference in K.A.R. 4-7-716 shall mean the edition of said adopted by reference in K.A.R. 4-7-720.

(h) All references to the "official method of analysis of the association of official analytic chemists" in the grade A pasteurized milk ordinance adopted by reference in K.A.R. 4-7-716 shall mean the edition of said work adopted by reference in K.A.R. 4-7-720. (Authorized by and implementing K.S.A. 1990 Supp. 65-720n and 65-737a; effective May 1, 1980; amended Jan. 14, 1991; amended Oct. 21, 1991.)

4-7-722. Grade A dry milk and whey products.

(a) Grade A dry milk and whey products shall be manufactured and handled according to the provisions of supplement I to the grade A pasteurized milk ordinance 1978 recommendations, titled "grade A condensed and dry milk products and condensed and dry whey" which is hereby adopted by reference.

(b) Copies of pertinent portions of the material adopted by reference shall be available from the inspections division of the Kansas state board of agriculture. (Authorized by and implementing K.S.A. 1990 Supp. 65-720n and 65-737a; effective Jan. 14, 1991; amended Oct. 21, 1991.)

Article 8.—NOXIOUS WEEDS

4-8-14. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; amended Dec. 26, 1988; revoked Oct. 21, 1991.)

4-8-14a. Definitions. (a) "2,4-D" means (2,4-dichlorophenoxy) acetic acid.

(b) "Picloram" means 4-amino-3, 5, 6-trichloro-2-pyridinecarboxylic acid.

(c) "Dicamba" means 3,6-dichloro-2-methoxybenzoic acid.

(d) "Glyphosate" means N-(phosphonomethyl) glycine.

(e) "Fosamine" means ethyl hydrogen aminocarbonylphosphonate.

(f) "Bromacil" means 5-bromo-6-methyl-3-(1-methylpropyl)-2,4(1H,3H)pyrimidinedione.

(g) "MSMA" means monosodium methanearsonate.

(h) "Sulfometuron" means 2-[[[(4,6-dimethyl-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]benzoic acid.

(i) "Chlorsulfuron" means 2-chloro-N-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonyl]benzenesulfonamide.

(j) "Trifluralin" means 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)benzenamine.

(k) "Fluazifop-P-Butyl" means (R)-butyl 2-[4[[5-(trifluoromethyl)-2-pyridinyl]oxy]phen-oxy]propanoate.

(l) "Sethoxydim" means 2-[1-(ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.

(m) "Imazapyr" means (\pm) -2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridine-carboxylic acid.

(n) "Triclopyr" means [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid.

(o) "Tebuthiuron" means N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea.

(p) "Metsulfuron Methyl" means methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]-amino]sulfonyl]benzoate. (Authorized by and implementing K.S.A. 2-1315; effective Oct. 21, 1991.)

4-8-30. Adoption by reference. (a) Control practices contained in the official hoary cress control program" published by the Kansas state board of agriculture on March 21, 1991 are hereby adopted by reference and shall apply to the control and eradication of hoary cress in the state of Kansas.

(b) Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Oct. 21, 1991.)

4-8-39. Adoption by reference. (a) Control practices contained in the official multiflora rose control program" published by the Kansas state board of agriculture on March 21, 1991 are hereby adopted by reference and shall apply to the control and eradication of multiflora rose in the state of Kansas.

(b) Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 21, 1991.)

4-8-40. Adoption by reference. (a) Control practices contained in the official sericea lespedeza control program" published by the Kansas state board of agriculture on March 21, 1991 are hereby adopted by reference and shall apply to the control and eradication of sericea lespedeza in the state of Kansas.

(b) Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 29, 1990; amended Oct. 21, 1991.)

Article 13.—PESTICIDES

4-13-28. Target pests which are not specified on the pesticide's label or labeling. Any pesticide may be applied for the purpose of controlling a pest which is not specified on the pesticide's label or labeling provided that: (a)(1) the pesticide's label or labeling authorizes application of the pesticide to the same crop, animal or site requiring application;

(2) the pest to be controlled belongs to the same general group of pests intended to be controlled by the pesticide to be applied;

(3) the pesticide's label or labeling does not specifically prohibit its application to the target pest to be controlled, or to the crop, animal or site to which the pesticide is to be applied; and

(4) the application of the pesticide to the target pest, or to the crop, animal or site, has not been prohibited by rules and regulations promulgated by the secretary.

(b) Each pesticide which is applied in accordance with the provisions of subsection (a) of this regulation shall be deemed not to cause any unreasonable adverse effects on the environment, nor to endanger the health, safety or welfare of the citizens of this state. (Authorized by K.S.A. 1990 Supp. 2-2467a; implementing K.S.A. 1990 Supp. 2-2470 and 2-2471; effective Oct. 21, 1991.)

Article 33.—MILL LEVY ASSESSMENT

4-33-1. Mill levy assessment. (a) Except as provided in paragraph (b) of this regulation, soybeans marketed through commercial channels in the state of Kansas shall be assessed at 20 mills per bushel. The assessment shall be levied and assessed to the grower at the time of sale.

(b) Whenever a federal marketing order issued pursuant to the soybean promotion, research, and consumer information act, section 1965 of public law 101-624 (7 U.S.C.A. 6301 et seq.) establishing a national checkoff program for soybeans becomes effective, all soybean assessments shall be assessed as provided in K.A.R. 4-33-2. As long as the federal marketing order remains in effect, no assessments shall be collected pursuant to paragraph (a) of this regulation.

(c) This regulation shall be in force and effect from and after September 1, 1991. (Authorized by K.S.A. 2-3006; implementing 1990 Supp. K.S.A. 2-3007 as amended by 1991 SB 323, Sec. 4 and 1991 SB 323, Sec. 6, 7; effective July 1, 1989; amended T-4-8-23-91, Sept. 1, 1991; amended Oct. 21, 1991.)

4-33-2. Assessment under federal marketing order. (a) While any federal marketing order issued pursuant to the soybean promotion, research, and consumer information act, section 1965 of public law 101-624 (7 U.S.C.A. 6301 et seq.) is in effect, soybeans-marketed through commercial channels in the state of Kansas shall be assessed at the rate of one-half of 1 percent of the net market price of soybeans sold by the producer or grower to the first purchaser. The assessment shall be levied and assessed to the producer or grower at the time of sale.

(b) This regulation shall be in force and effect from and after September 1, 1991. (Authorized by K.S.A. 2-3006 as amended by SB 323, Sec. 3; implementing 1990 Supp. K.S.A. 2-3007 as amended by 1991 SB 323, Sec. 4 and 1991 SB 323, Sec. 6, 7; effective T-8-23-91, Sept. 1, 1991; effective Oct. 21, 1991.)

Gary Hall
Acting Secretary of Agriculture

Doc. No. 011033

State of Kansas

Board of Agriculture
Division of Weights and MeasuresPermanent Administrative
RegulationsArticle 8.—PACKAGE LABELING; EXEMPTIONS,
MARKINGS, VARIATIONS

99-8-8. Adoption by reference. Sections 1 through 13 of the "Uniform Packaging and Labeling Regulation," as adopted by the national conference on weights and measures and published by the national institute of standards and technology, Washington, D.C., 20304, in the national institute of standards and technology handbook 130, in October, 1990, are adopted by reference and shall apply to commodities sold in package form in Kansas. Copies of either the document adopted or the pertinent portions of which are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 83-207; implementing K.S.A. 83-211 and 83-213; effective May 1, 1982; amended May 1, 1988; amended Oct. 21, 1991.)

99-8-9. Adoption by reference. Sections 1 through 3 of the "Uniform Regulation for the Method of Sale of Commodities," as adopted by the national institute of standards and technology and published by the national institute of standards and technology, Washington, D.C. 20304, in the 1991 edition of national institute of standards and technology handbook 130 in October, 1990 are adopted by reference and shall apply to commodities sold in package form in Kansas. Copies of which or copies of the pertinent portions of which are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 83-207; implementing K.S.A. 83-211 and 83-213; effective May 1, 1988; amended Oct. 21, 1991.)

Article 25.—TECHNICAL REQUIREMENTS FOR
WEIGHING AND MEASURING DEVICES

99-25-1. Adoption by reference. Except for the codes pertaining to lubricating oil bottles and grain moisture meters, all of the specifications, tolerances, and other technical requirements for commercial, data gathering and other weighing and measuring devices as adopted by the national conference on weights and measures and as published by the national institute of standards and technology, Washington D.C. 20304, in the 1991 edition of national institute of standards and technology handbook 44 entitled "specifications, tolerances and other technical requirements for weighing and measuring devices" as issued in October, 1990 is hereby adopted by reference and shall apply to weighing and measuring devices in the state. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 83-207; effective May 1, 1979; amended May 1, 1981;

amended May 1, 1986; amended Aug. 14, 1989; amended Oct. 21, 1991.)

99-25-2. Retroactive and nonretroactive provisions. Notwithstanding the designation of various provisions of the 1991 edition of national institute of standards and technology handbook 44 as published in October 1990, as "retroactive" or "nonretroactive," all provisions of such handbook adopted by K.A.R. 99-25-1 shall become effective upon the adoption of this regulation. (Authorized by and implementing K.S.A. 83-207; effective May 12, 1979; amended May 1, 1986; amended Oct. 21, 1991.)

99-25-3. Certificate of conformance. (a) No person shall use any weight or measure or any weighing or measuring instrument or device, for commercial purposes within the state of Kansas unless a certificate of conformance has been obtained for the weight or measure or weighing or measuring instrument or device prior to its use for commercial purposes within the state of Kansas.

(b) For the purpose of this regulation, a "certificate of conformance" means a document issued by the national institute of standards and technology or other authorized laboratory establishing that the weight or measure or weighing or measuring instrument or device meets the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1.

(c) Any certificate of performance issued by the national bureau of standards or other authorized laboratory establishing that the weight or measure or weighing or measuring instrument or device meets the requirements of the national bureau of standards handbook 44 as previously adopted by reference in K.A.R. 99-25-1 on and after May 1, 1986 may be accepted in lieu of the certificate of conformance required in paragraph (b) of this regulation.

(d) This regulation shall not apply to terminal meters and pipeline meters manufactured and installed prior to May 1, 1986. (Authorized by and implementing K.S.A. 83-207; effective May 1, 1986; amended Aug. 14, 1989; amended Oct. 21, 1991.)

Article 30.—LARGE CAPACITY SCALES
TESTING AND SERVICE

99-30-2. Registration form. Each application for issuance or renewal of a large scale testing and service company license shall provide the following information:

(a) the name and business address of the applicant;
(b) the name, home address, social security number and birthday of all technical representatives who repair or test scales for the applicant;

(c) the signature and title of the applicant or representative;

(d) the date of submission of the application;

(e) a certification that the applicant is fully qualified to install, service, repair or recondition scales; and

(f) a certification that the applicant has in its possession or available for use sufficient standards and equipment adequate to test scales. (Authorized by

K.S.A. 83-303; implementing K.S.A. 83-302; effective May 1, 1986; amended Oct. 21, 1991.)

99-30-3. Conformance with handbook 44. Each scale testing and service company shall conduct each test and make each repair to scales in conformance with the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 83-303; effective May 1, 1986; amended Oct. 21, 1991.)

99-30-4. Minimum required equipment. Each scale testing and service company shall have at each place of business sufficient standards and equipment to adequately test scales as set forth in the notes section of the general code and scale code contained in the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. (Authorized by and implementing K.S.A. 83-303; effective May 1, 1986; amended Oct. 21, 1991.)

99-30-5. Removal of rejection tags. (a) For the purpose of testing or repairing a scale, each licensed scale testing and service company shall be authorized to remove an official rejection tag or other mark placed on a scale by authority of the state sealer.

(b) After the test is conducted, and necessary repairs are completed, the scale testing and service company shall place the scale in service. Where the scale is not repaired properly, the scale testing and service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the state sealer.

(c) This regulation shall apply to new and used scales. (Authorized by and implementing K.S.A. 83-303; effective May 1, 1986; amended Oct. 21, 1991.)

99-30-6. Placed in service report. Each scale testing and service company shall submit to the state sealer a place in service report within 15 days after a scale has been restored to service or placed in service. The placed in service report shall be executed in triplicate. The original report, and each official rejection tag removed from the device, shall be mailed to the state sealer. A duplicate copy of the report shall be delivered to the owner or operator of the device. The scale testing and service company shall retain the third copy of the report. (Authorized by and implementing K.S.A. 83-303; effective May 1, 1986; amended Oct. 21, 1991.)

Article 31.—MOTOR VEHICLE FUEL MEASURING DEVICES

99-31-3. Conformance with handbook 44. Each testing service company shall conduct each test and make each repair to dispensing devices in conformance with the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office

of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 83-403; effective May 1, 1986; amended Dec. 26, 1988; amended Oct. 21, 1991.)

99-31-4. Minimum required equipment. Each testing service company shall have at each place of business sufficient standards and equipment to adequately test dispensing devices as set forth in the notes section of the general code, liquid-measuring device code, vehicle-tank meter code and LPG liquid measuring device code contained in the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. (Authorized by and implementing K.S.A. 83-403; effective May 1, 1986; amended Dec. 26, 1988; amended Oct. 21, 1991.)

Article 32.—SMALL CAPACITY SCALES, TESTING AND SERVICE

99-32-1. (Authorized by and implementing K.S.A. 1986 Supp. 83-207; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

99-32-2. (Authorized by K.S.A. 1986 Supp. 83-206; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

99-32-3. (Authorized by and implementing K.S.A. 1986 Supp. 83-207; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

99-32-4. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

99-32-5. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206, 215 and 219; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

99-32-6. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206, 215 and 219; effective May 1, 1986; amended May 1, 1988; revoked Oct. 21, 1991.)

Gary Hall
Acting Secretary of Agriculture

Doc. No. 011032

State of Kansas

Attorney General

Opinion No. 91-46A

Agriculture—State and Other Agricultural Societies and Fairs; County Fairs and Agricultural Societies—Counties Having Fair Associations; Tax Levy; Aggregate Limitations.

Taxation—Aggregate Tax Levy Limitations—Authority to Levy Taxes in Addition to Aggregate Levy Limits; County Fair Associations. Richard A. Boeckman, Attorney at Law, Great Bend, August 20, 1991.

A county fair association, pursuant to K.S.A. 2-131b,
(continued)

may request the board of county commissioners to levy an annual tax, however, the amount must comply with the aggregate tax levy limitations set forth in K.S.A. 1990 Supp. 79-5021 *et seq.* unless the county or the levy is exempted pursuant to K.S.A. 79-5029, 79-5030, 79-5032 or K.S.A. 1990 Supp. 79-5036. Cited herein: K.S.A. 2-131b; 79-5029; 79-5030; K.S.A. 1990 Supp. 79-5032; 79-5036. MJS

Opinion No. 91-92

Legislature—Legislative Post Audit—Performance Audit; Acceptance or Approval of Reports. Representative William R. Roy, Jr., 54th District, Topeka, August 16, 1991.

Acceptance of a post audit performance report by the legislative post audit committee (LPAC) represents consent by that committee to the cessation or completion of audit procedures. While each factual situation concerning liability must be examined independently, the Kansas tort claims act (KTCA), set forth at K.S.A. 75-6101 *et seq.*, and article 2, section 22 of the Kansas constitution, afford certain immunity to members of the LPAC for actions involved in accepting such reports. It is unlikely that liability would attach to the LPAC's acceptance of a completed report absent a legal duty to change the report or order further inquiries. Cited herein: K.S.A. 46-1101; 46-1103; K.S.A. 1990 Supp. 46-1106; 46-1108; K.S.A. 75-6101; K.S.A. 75-6104, as amended by L. 1991, ch. 209, § 3; K.S.A. 77-201, as amended by L. 1991, ch. 33, § 37; Kan. Const., Art. 2, § 22. TMN

Opinion No. 91-93

Public Health—Confidential Communications and Information; Treatment Facility Patients—Privilege of Patient of Treatment Facility to Prevent Disclosure of Treatment and Confidential Communications; Extent of Privilege; Treatment of Child. Philip E. Winter, Lyon County Counselor, Emporia, August 16, 1991.

It is our opinion that when a court awards sole custody of a child, the noncustodial parent is not authorized to obtain treatment for the child or receive confidential information about the child from a mental health center. Cited herein: K.S.A. 1990 Supp. 60-1610, as amended by L. 1991, ch. 171, § 2; 65-5602; 65-5603. MJS

Opinion No. 91-94

Elections—Sufficiency of Petitions—Petition Documents; Contents; Verification; Tax Levy for County Hospital. Darrell E. Miller, Jewell County Attorney, Mankato, August 16, 1991.

A petition seeking to bring to an election a resolution of the board of county commissioners levying a tax of six mills for the purpose of operating a county hospital must include those items set forth in K.S.A. 1990 Supp. 25-3602. The petition must state the question which petitioners seek to bring to an election, contain a recital and verification, and provide the date of signing for each elector signing the petition. Cited herein: K.S.A. 1990 Supp. 19-4606; 25-3601; 25-3602. RDS

Opinion No. 91-95

Taxation—Mortgage Registration and Intangibles; Mortgage Registration—Mortgage Registration; Fee; Exemptions. John E. Lang, Pottawatomie County Counselor, Westmoreland, August 16, 1991.

If the security stated in a mortgage meets the definition of "real property" for purposes of the mortgage registration tax act, an agreement to characterize it as personalty has no affect on the obligation to pay the tax. The two mortgages presented for our review secure the same indebtedness, so the tax need only be paid once. Cited herein: K.S.A. 79-3101; K.S.A. 1990 Supp. 79-3102. JLM

Opinion No. 91-96

State Institutions and Agencies; Historical Property—State Educational Institutions; Management and Operation—University Policy Officers; Powers and Authority; Jurisdiction. Representative Sheila Hochhauser, 67th District, Manhattan, August 19, 1991.

University police officers have the authority of law enforcement officers in the areas described in K.S.A. 76-726 (a)(1) and (2) and K.S.A. 22-2401a (3)(a) and (b). Such officers may exercise law enforcement powers outside of the areas described in three separate instances: (1) When in fresh pursuit of a suspect; (2) upon notification of and coordination with local law enforcement agencies; or (3) upon request of local law enforcement officers. Cited herein: K.S.A. 22-2401a; 76-726. JLM

Opinion No. 91-97

Corporations—Agricultural Corporations—Limitations; Nonfarming Business Exception. Senator Eric R. Yost, 30th District, Wichita, August 20, 1991.

K.S.A. 17-5904, as amended, generally prohibits corporate ownership of farmland, unless an exception applies. Exception number three exempts farmland acquired by a corporation or a limited liability company "as is necessary for the operation of a nonfarming business." Whether agricultural land is necessary depends on the nature of the business and the purpose for which the land is acquired. A corporation qualifies for this exception if it needs the land for an actual present or future use.

Zoning regulations do not affect the proscription in K.S.A. 17-5904. However applications for zoning changes are part of the transition period contemplated by exemption number 3 that allows a corporation or a limited liability company to acquire agricultural land for a nonfarming use. Cited herein: K.S.A. 17-5904, as amended by L. 1991, ch. 76, § 10; K.S.A. 19-2908, as amended by L. 1991, ch. 63, § 4; 19-2921, as amended by L. 1991, ch. 63, § 5; 19-2929; 19-2960. GE

Robert T. Stephan
Attorney General

Doc. No. 011050

(Published in the Kansas Register, September 5, 1991.)

Summary Notice of Bond Sale**City of Bentley, Kansas****\$170,000****General Obligation Bonds****Series A 1991****(general obligation bonds payable from
unlimited ad valorem taxes)****Sealed Bids**

Subject to the notice of bond sale and preliminary official statement dated August 27, 1991, sealed bids will be received by the city clerk of Bentley, Kansas (the issuer), on behalf of the governing body at City Hall, 150 S. Wichita, P.O. Box 273, Bentley, KS 67016, until 7 p.m. C.D.T. September 12, 1991, for the purchase of \$170,000 principal amount of General Obligation Bonds, Series A 1991. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$1,000 or any integral multiple thereof. The bonds will be dated October 1, 1991, and will become due on October 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 1996 | \$ 1,000 |
| 1997 | 1,000 |
| 1998 | 1,000 |
| 1999 | 15,000 |
| 2000 | 15,000 |
| 2001 | 15,000 |
| 2002 | 15,000 |
| 2003 | 15,000 |
| 2004 | 15,000 |
| 2005 | 15,000 |
| 2006 | 15,000 |
| 2007 | 15,000 |
| 2008 | 15,000 |
| 2009 | 17,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,400 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 15, 1991, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1990 is \$872,766. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$279,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk (316/796-1799), or from the financial advisor, The Columbian Securities Corporation, 550 E. 159th, Wichita, KS 67230, Attention: Brian E. Corrigan (316/733-0014).

Dated August 27, 1991.

City of Bentley, Kansas

Doc. No. 011040

(Published in the Kansas Register, September 5, 1991.)

Summary Notice of Bond Sale**City of Chanute, Kansas****\$155,000****General Obligation Bonds, Series 1991-A****(general obligation bonds payable from
unlimited ad valorem taxes)****Sealed Bids**

Subject to the notice of bond sale and preliminary official statement dated September 3, 1991, sealed bids will be received by the city clerk of Chanute, Kansas (the issuer), on behalf of the governing body at 101 S. Lincoln, Chanute, until 3 p.m. C.D.T. September 16, 1991, for the purchase of \$155,000 principal amount of General Obligation Bonds, Series 1991-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 1991, and will become due serially on September 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 1992 | \$15,000 |
| 1993 | 15,000 |
| 1994 | 15,000 |
| 1995 | 15,000 |
| 1996 | 15,000 |
| 1997 | 15,000 |
| 1998 | 15,000 |
| 1999 | 15,000 |
| 2000 | 15,000 |
| 2001 | 20,000 |

The bonds will bear interest from the date thereof
(continued)

at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,100 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 30, 1991, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1990 is \$32,144,244. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,405,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from James D. Youngberg, City Clerk (316/431-9300), or from Gilmore & Bell, Bond Counsel, Wichita, Kansas (316/267-2091).

Dated September 3, 1991.

City of Chanute, Kansas

Doc. No. 011041

(Published in the Kansas Register, September 5, 1991.)

**Notice of Redemption
Industrial Revenue Bonds
(Dillon Companies, Inc.)
Series V, 1981, Dated October 1, 1981
of the
City of Dodge City, Kansas**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of Ordinance No. 2564 of the city of Dodge City, Kansas, all of the outstanding Industrial Revenue Bonds, Series V, 1981 (Dillon Companies, Inc.), of the city of Dodge City, Kansas, maturing on and after October 1, 1991, will be redeemed and prepaid on October 1, 1991, the redemption date, prior to their respective maturities subject to the provisions and limitations set forth herein.

Serial Bonds

| Bond Numbers | Maturity Date | Interest Rate |
|----------------|---------------|--------------------|
| 213-414, incl. | 10/01/95 | 12 $\frac{1}{2}$ % |
| 415-740, incl. | 10/01/99 | 13 % |

This notice of redemption and the payment of the principal of and interest on the aforesaid 1981 bonds on the specified redemption date are subject to the issuance and delivery of the city of its industrial revenue refunding bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1981 bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, the 1981 bonds delivered for redemption shall be returned to the respective owners thereof, and said 1981 bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described 1981 bonds shall become due and payable on October 1, 1991, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium of 4 percent of the principal amount of the bonds so called for redemption and payment.

On October 1, 1991, provided that funds are on hand to pay the specified redemption price, all the 1981 bonds will be due and payable at the principal office of Emprise Bank, National Association, Hutchinson, Kansas, and from and after October 1, 1991, all interest on the 1981 bonds will cease to accrue. All coupons maturing subsequent to October 1, 1991, must be attached to and surrendered with said 1981 bonds.

Under the provisions of the Interest Dividend Tax Compliance act of 1979, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittance to individuals who fail to furnish the paying agent with a valid taxpayer identification number. Holders of the 1981 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated August 15, 1991.

Emprise Bank, National Association
20 W. 2nd
P.O. Box 1488
Hutchinson, KS 67504
As Fiscal Agent

Doc. No. 011054

(Published in the Kansas Register, September 5, 1991.)

**Notice of Redemption
Industrial Revenue Bonds
(Dillon Companies, Inc.)
Series 1, 1981, Dated October 1, 1981
of the
City of Pittsburg, Kansas**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of Ordinance No. S-608 of the city of Pittsburg, Kansas, all of the outstanding Industrial Revenue Bonds, Series 1, 1981 (Dillon Companies, Inc.), of the city of Pittsburg, Kansas, maturing on and after October 1, 1991, will be redeemed and prepaid on October 1, 1991 (the redemption date), prior to their

respective maturities subject to the provisions and limitations set forth herein.

Serial Bonds

| Bond Numbers | Maturity Date | Interest Rate |
|----------------|---------------|--------------------|
| 201-239, incl. | 10/01/92 | 12 % |
| 240-283, incl. | 10/10/93 | 12 $\frac{1}{4}$ % |
| 284-333, incl. | 10/01/94 | 12 $\frac{1}{4}$ % |
| 334-700, incl. | 10/01/99 | 13 % |

This notice of redemption, and the payment of the principal of and interest on the aforesaid 1981 bonds on the specified redemption date, are subject to the issuance and delivery of the city of its industrial revenue refunding bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1981 bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, the 1981 bonds delivered for redemption shall be returned to the respective owners thereof, and said 1981 bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described 1981 bonds shall become due and payable on October 1, 1991, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium of four percent of the principal amount of the bonds so called for redemption and payment.

On October 1, 1991, provided that funds are on hand to pay the specified redemption price, all the 1981 bonds will be due and payable at the principal office of Emprise Bank, National Association, Hutchinson, Kansas, and from and after October 1, 1991, all interest on the 1981 bonds will cease to accrue. All coupons maturing subsequent to October 1, 1991, must be attached to and surrendered with said 1981 bonds.

Under the provisions of the Interest Dividend Tax Compliance act of 1979, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittances to individuals who fail to furnish the paying agent with a valid taxpayer identification number. Holders of the 1981 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated August 15, 1991.

Emprise Bank, National Association
20 W. 2nd
P.O. Box 1488
Hutchinson, KS 67504
As Fiscal Agent

Doc. No. 011055

State of Kansas

Wildlife and Parks Commission

Notice of Meeting and Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 7 p.m. Thursday, October 10, in the 16th Infantry Room, Post Leader's Club on Huebner Road, Main Post, Fort Riley, to consider the adoption and revocation of two permanent department regulations.

A workshop meeting on upcoming business and future regulations will begin at 1:30 p.m. Thursday, October 10, at the above location. If necessary, the workshop will continue following the conclusion of the public hearing. The public is also invited to attend the workshop.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1233. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations and the proposed revocations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending or rejecting the proposed regulations and revocations.

The following is a brief summary of the regulations proposed for adoption and the regulations proposed for revocation:

115-7-1. Fishing; legal equipment, methods of take and other provisions. This permanent regulation is proposed for amendment. The amendments would require: paddlefish snagged during the snagging season to be kept and to be held by marked holding devices; checking of snagged paddlefish through a check station; and the tagging of all snagged paddlefish.

Economic Impact Summary: Impacts on anglers would be minimal, but they would be required to take paddlefish to a nearby check station for tagging. Tags would be provided at no cost to anglers. The department would incur costs associated with operation of a check station and purchase of tags.

115-25-10. Deer; special firearms season, bag limits, permits and applications. The proposed exempt regulation would establish a special deer season in January in southeast Kansas. A total of 1,700 general permits and unlimited hunt-on-your-own-land permits is recommended as a bag limit of three antlerless deer.

Economic Impact Summary: Administrative costs of the season would be borne by the department. Issuance of all permits would result in revenue to the department of \$51,850. It is estimated that 500 hunt-on-your-own-land permits would be issued resulting in revenue to the department of \$5,250. Local businesses providing services to sportspersons would no-

(continued)

tice some benefits. Some agricultural interests would benefit from a reduction in deer herd numbers.

James Holderman
Chairman

Doc. No. 011048

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that a hearing be conducted (pursuant to K.S.A. 1990 Supp. 55-603, 55-604, 55-703 and K.S.A. 55-703a) to allow the following to show cause as to why their basic proration orders should not be dissolved.

- In the matter of establishing rules and regulations relating to the production, sale and conservation of crude oil in the Lansing-Kansas City Reservoir in the Little Beaver Creek Field in Cheyenne and Rawlins counties, Kansas, affecting all of Sections 30 and 31, Township 04 South, Range 36 West, and all of Sections 06 and 07, Township 05 South, Range 36 West in Rawlins County, Kansas; all of Sections 25, 26, 35 and 36, Township 04 South, Range 37 West, and all of Sections 01, 02, 11 and 12, Township 05 South, Range 37 West, Cheyenne County, Kansas. Docket No. 69,351-C (C-9530).
- In the matter of establishing a well spacing pattern and well location restrictions in the Rueb Pool in Cheyenne County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 05, 06, 07, 08, 17, 18, 19, 20, 29, 30, 31 and 32, Township 03 South, Range 41 West; and all of Sections 01, 02, 03, 04, 09, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 03 South, Range 42 West, Cheyenne County, Kansas. Docket No. 60,557-C (C-7175).
- In the matter of establishing field rules and regulations relating to the formation of drilling units and well spacing in the Cherokee formation in the Little Beaver Creek North-Cherokee Oil Pool in Cheyenne County, Kansas, affecting all of Sections 24 and 25, E/2 of Section 26, NE/4 of Section 35 and N/2 of Section 36, Township 04 South, Range 37 West, Cheyenne County, Kansas. Docket No. 116,589-C (C-19,158).
- In the matter of establishing well spacing and proration for the Lansing-Kansas City formation in the Pianalto South Oil Pool in a portion of Cheyenne County, Kansas, affecting the S/2 of Section 34, SE/4 of Section 33, Township 04 South, Range 37 West; all of Section 03 and the E/2 of Section 04, Township 05 South, Range 37 West, Cheyenne County, Kansas. Docket No. 140,729-C (C-20,561).
- In the matter of establishing oil spacing and proration for the Marmaton and Lansing-Kansas City formations in the Pianalto South Pool in a portion of Cheyenne County, Kansas, affecting the S/2 of Section 34 and the SE/4 of Section 33, Township 04 South, Range 37 West; and all of Section 03 and the E/2 of Section 04, Township 05 South, Range 37 West, Cheyenne County, Kansas. Docket No. 139,078-C (C-20,428).
- In the matter of establishing a well spacing pattern and well location restrictions in the Bartlesville formation being a separate common source of supply in the David South Pool, Cowley County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of the S/2 of Section 15; all of the N/2 of Section 22; and the N/2 of the S/2 of Section 22, all in Township 31 South, Range 04 East, Cowley County, Kansas. Docket No. 102,284-C (C-17,487).
- In the matter of establishing a well spacing pattern in a common source of supply in the Altamont Limestone formation in the Donelson West Marmaton Oil Pool in an area in Cowley County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 34 South, Range 07 East, Cowley County, Kansas. Docket No. 81,703-C (C-13,565).
- In the matter of establishing a spacing order in a common source of oil in the Pleasanton (Cleveland) and Mississippian Sand formations in the Harvey Pleasanton (Cleveland) and Mississippi Oil Field in Cowley County, Kansas, all of Section 15, the W/2 of Section 14, the S/2 of Section 10, the SW/4 of Section 11, Township 34 South, Range 03 East, Cowley County, Kansas. Docket No. 108,217-C (C-18,338).
- In the matter of establishing a well spacing pattern in the Mississippi Lime Oil Reservoir of the Maddix, North Pool, Cowley County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the SW/4 of Section 01, the SE/4 of Section 02, E/2 and the E/2 of the the SW/4 of Section 11, the W/2 of Section 12, the NW/4 of Section 13 and the N/2 of Section 14, all in Township 33 South, Range 05 East, Cowley County, Kansas. Docket No. 62,590-C (C-7665).
- In the matter of establishing a well spacing pattern in the Upper Layton Sand Oil Reservoir of the Shannon Pool, Cowley County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 23, 24, 25, and 26, all in Township 31 South, Range 05 East, Cowley County, Kansas. Docket No. 62,764-C (C-7706).
- In the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the Northwest Sharon Field of Barber County, Kansas, affecting Sections 33, 34

and 35 in Township 31 South, Range 10 West; Sections 1, 2, 3, 4, 9, 10, 11, 14, 15, and N/2 of Section 12 in Township 32 South, Range 10 West, Barber County, Kansas. Docket No. 54,650-C (C-5527).

- In the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the South Rhodes Field of Barber County, Kansas, affecting all of Section 31, Township 33 South, Range 11 West; all of Sections 5, 7 and 8, and the S/2 and the NE/4 of Section 06, all in Township 34 South, Range 11 West, Barber County, Kansas. Docket No. 59,010-C (C-6826).
- In the matter of establishing rules and regulations relating to the sale and conservation of natural gas in the Rhodes Northwest Gas Field of Barber County, Kansas, affecting the S/2 of Section 08, N/2 of Section 17, N/2, SW/4, N/2 SE/4 and SW/4 SE/4 of Section 18 in Township 33 South, Range 11 West and all of Section 13, Township 33 South, Range 12 West, Barber County, Kansas. Docket No. 69,107-C (C-9436).
- In the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the Northeast Rhodes Field of Barber County, Kansas, affecting the SW/4 of Section 30 and the W/2 of Section 31, Township 32 South, Range 11 West; the S/2 of Section 25, Section 26, the N/2 and the SE/4 of Section 35, Section 36, Township 32 South, Range 11 West; N/2 of Section 01 and the NE/4 of Section 02, Township 33 South, Range 11 West, Barber County, Kansas. Docket No. 54,648-C (C-5525).
- In the matter of redefining the limits of the Harding Gas Field of Pratt and Barber counties, Kansas, and for a Basic Proration Order establishing a 320-acre well spacing pattern for the Indian Cave Sand Formation for the Harding West Gas Field, Pratt and Barber counties, Kansas, affecting the S/2 of Section 31; S/2 of Section 32/ SW/4 of Section 33, all in Township 29 South, Range 11 West, Pratt County, Kansas; and all of Sections 5 and 6, the N/2 of Section 7, the NW/4 of Section 8, all in Township 30 South, Range 11 West, Barber County, Kansas; the W/2 W/2 of Section 27, Township 29 South, Range 11 West, Pratt County, Kansas; Section 1 and the N/2 of Section 12, Township 30 South, Range 12 West, Barber County, Kansas; and the E/2 of Section 28 and NE/4 of Section 33, Township 29 South, Range 11, West, Pratt County, Kansas, and the SE/4 of Section 33, W/2 Section 34, Township 29 South, Range 11 West, Pratt County, Kansas. Docket Nos. 116,906-C (C-19,181); 123,776-C (C-19,570); 127, 478 (C-19,783).
- In the matter of establishing rules and regulations relating to acreage and well spacing for the production of natural gas in the Arkalon Upper Morrow Gas Pool in Seward County, Kansas, affecting Sections 34, 35 and 36 in Township 33 South, Range 32 West; Sections 1, 2, 3, 10, 11

and 12, in Township 34 South, Range 32 West, Seward County, Kansas. Docket No. 70,367-C (C-9911).

- In the matter of establishing rules and regulations relating to acreage and well spacing for the production of natural gas in the Arkalon Lower Morrow Gas Pool in Seward County, Kansas, affecting sections 19, 20, 29, 30, 31 and 32 in Township 33 South, Range 31 West; Sections 24, 25 and 36 in Township 33 South, Range 32 West; Sections 5, 6, 7 and 8 in Township 34 South, Range 31 West; and Sections 01 and 12 in Township 34 South, Range 32 West; Seward County, Kansas. Docket No. 70-368-C (C-9912).
- In the matter of establishing rules and regulations relating to drilling units, well locations and conservation of natural gas in the Mississippi Limestone formation of the Arkalon Pool in Seward County, Kansas, affecting Sections 30 and 31, in Township 33 South, Range 31 West; Section 06 in Township 34 South, Range 31 West; Sections 25, 26, 35 and 36 in Township 33 South, Range 32 West; Sections 1 and 2 in Township 34 South, Range 32 West, Seward County, Kansas. Docket No. 63,718-C (C-7979).
- In the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the Traffas Mississippi Gas Pool in Barber County, Kansas, affecting all of Section 04, S/2 of Section 05, S/2 of Section 06, all of Sections 07, 08 and 09, NW/4 of Section 16, N/2 of Section 17 and NE/4 of Section 18, Township 33 South, Range 10 West, Barber County, Kansas. Docket No. 83,903-C (C-13,985).
- In the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the Roundup South Mississippi Gas Pool in Barber County, Kansas, affecting all of Section 27, SE/4 of Section 28, SW/4 and the E/2 of Section 33, and all of Section 34, Township 33 South, Range 11 West; and all of Section 03, and all of Section 04, Township 34 South, Range 11 West, Barber County, Kansas. Docket No. 78,895-C (C-12,618).

The hearing will be at 9 a.m. Thursday, September 19, in the Conservation Division hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. Further information can be obtained by contacting William J. Wix, Assistant General Counsel, at the address above, (316) 263-3238.

Judith McConnell
Executive Director

Doc. No. 011034

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for September 17, 1991

Application for Certificate of Convenience and Necessity:

Busco, Inc., dba) Docket No. 177,575 M
Arrow Stage Lines)
720 E. Norfolk Ave.)
Norfolk, NE 68701) MC ID No. 140179

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

Passengers and their baggage in charter party service,
Between all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Gary Kinnaman, dba) Docket No. 121,424 M
G & E Tank Service)
109 Maple St.)
Grenola, KS 67346) MC ID No. 102856

TO:

Dan Signer, Beverly Signer,
K.R. Liebau & Nancy Liebau,
dba G & E Tank Service
845 E. Elk
Howard, KS 67349

Applicant's Attorney: Marla Ware, Box 246, 120 W. Randolph, Howard, KS 67349

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between points and places in Cowley County, Kansas.

Also,

Between points and places in Cowley County, Kansas, on the one hand, and points and places in Montgomery, Elk, Greenwood and Chautauqua counties, on the other hand.

Application for Certificate of Convenience and Necessity:

Randall Robbins, dba) Docket No. 177,572 M
Randy's Oilfield Service)
618 N. Botkin)
Attica, KS 67009) MC ID No. 141275

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods, classes A and B explosives, hazardous materials, commodities in bulk and commodities requiring temperature control),

Between points and places in Scott, Lane, Finney, Haskell, Gray, Seward, Meade, Ness, Hodgeman, Ford, Clark, Rush, Pawnee, Edwards, Kiowa, Comanche, Barton, Stafford, Pratt, Barber, Rice, Reno, Kingman, Harper, McPherson, Harvey, Sedgwick, Sumner, Marion, Chase, Butler, Cowley, Lyon, Greenwood, Elk and Chautauqua counties.

Also,

Between the above-described counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Oilfield equipment, materials, supplies and machinery, oilfield buildings, machinery, pipe and other materials used in the construction, operation and maintenance of pipelines and refineries (restricted, however, to transport no hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Royal Auto Rescue) Docket No. 177,573 M
Enterprises, Inc.)
P.O. Box 4787)
Overland Park, KS)
66204-0787) MC ID No. 141276

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Wrecked, disabled, repossessed and replacement motor vehicles, trailers, recreational vehicles, recreational trailers, golf carts, campers, pick up toppers, boats and motorcycles,

Between all points and places in the state of Kansas.

Application for Abandonment of Contract Carrier Permit:

Skillett & Sons, Inc.) Docket No. 128,284 M
North Highway 183)
LaCrosse, KS 67548) MC ID No. 102223

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Application for Certificate of Convenience and Necessity:

Robert VenJohn, dba) Docket No. 177,577 M
 VenJohn Trucking)
 1504 Ave. C)
 Dodge City, KS 67801) MC ID No. 141279

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods, classes A and B explosives, hazardous materials and commodities in bulk),

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Finney, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick and Sumner counties.

Also,

Between points and places in the above-described counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Sally Gager, dba) Docket No. 177,574 M
 Sally's Tank Service)
 1321 Grand)
 Hays, KS 67601) MC ID No. 141277

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes and salt water for disposal purposes,

Between points and places in Sherman, Wallace, Greeley, Hamilton, Thomas, Logan, Wichita, Kearny, Scott, Lane, Finney, Decatur, Sheridan, Gove, Norton, Graham, Trego, Ness, Hodgeman, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Osborne, Russell, Barton, Stafford, Pratt, Ellsworth, Rice and Reno counties, Kansas.

Applications set for September 24, 1991

Application for Certificate of Convenience and Necessity:

Agri-Data Services, Inc.) Docket No. 177,582 M
 2024 N. Woodlawn, #401)
 Wichita, KS 67208) MC ID No. 140584

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, hay, fertilizer (except anhydrous ammonia), salt, seeds, feed and feed ingredients, building and construction materials, fencing materials and machinery,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Kenneth E. Engelhardt, dba) Docket No. 177,578 M
 K. E. E. Trucking)
 Route 2, Box 220) MC ID No. 141280
 Colby, KS 67701)

Applicant's Attorney: None

Grain, hay, dry feed, dry feed ingredients, salt, dry fertilizer, dry fertilizer ingredients (except ammonium nitrate), building and construction materials, fencing materials and machinery,

Between all points and places in Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Republic, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Cloud, Wallace, Logan, Gove, Trego, Ellis, Russell, Lincoln, Ottawa, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Ellsworth, Saline, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Rice, Reno, McPherson, Harvey, Stanton, Grant, Haskell, Gray, Ford, Edwards, Pratt, Kingman, Sedgwick, Kiowa, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Harper and Sumner counties, Kansas.

Application for Certificate of Convenience and Necessity:

Hi-Plains, Production) Docket No. 177,580 M
 Service, Inc.)
 P.O. Box 307)
 Logan, KS 67646) MC ID No. 141281

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and lease road purposes, in bulk, fresh water and salt water,

Between all points and places in Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Russell, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Edwards and Stafford counties, Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Dale Obermeyer, dba) Docket No. 157,036 M
 Obermeyer Trucking)
 511 N. 20th)
 Marysville, KS 66508) MC ID No. 128988

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

(continued)

Application for Certificate of Convenience
and Necessity:

Shellie Pickens, dba) Docket No. 177,581 M
 Pickens & Brothers)
 Truck Line)
 3704 E. 35th)
 Kansas City, MO 64128) MC ID No. 111447

Applicant's Attorney: None

Wooden pallets and paper supplies,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience
and Necessity

James E. Grow, dba) Docket No. 177,584 M
 J-G Transport)
 4012 Wyoming)
 Kansas City, MO 64111) MC ID No. 141282

Applicant's Attorney: None

*General commodities (except classes A and B explosives,
household goods and hazardous materials).*

Between all points and places in the state of Kansas.

Don Carlile
 Administrator
 Transportation Division

Doc. No. 011049

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled September 9 through September 22:

| Date | Room | Time | Committee | Agenda |
|--------------|-------|------------|---|---|
| September 9 | 519-S | 9:00 a.m. | Special Committee on | Hearings on Proposal No. 8— |
| September 10 | 519-S | 9:00 a.m. | Education | Education Reform. |
| September 11 | 522-S | 9:00 a.m. | Waste Reduction, Recycling, and Market Development Commission | Agenda not available. |
| September 11 | 313-S | 10:00 a.m. | Special Committee on | Review of inventory of |
| September 12 | 313-S | 9:00 a.m. | Children's Initiatives | children's programs. Identification and discussion of gaps in services and proposed strategies. |
| September 12 | 514-S | 10:00 a.m. | Special Committee on Ways | Hearings on Proposal No. |
| September 13 | 514-S | 9:00 a.m. | and Means/Appropriations | 25—Efficiency in State Government. |
| September 12 | 123-S | 10:00 a.m. | Joint Committee on KPERs | Possible meeting. |
| September 13 | 123-S | 9:00 a.m. | Investment Practices | |
| September 16 | 519-S | 10:00 a.m. | Special Committee on | 16th: Proposal No. 2— |
| September 17 | 519-S | 9:00 a.m. | Assessment and Taxation | Property Tax Abatements and Airports. |
| September 18 | 519-S | 9:00 a.m. | | 17th: Proposal No. 3—Local Consolidation. |
| | | | | 18th: Proposal No. 4—Sales Tax Base. |
| September 16 | 514-S | 10:00 a.m. | Health Care Decisions for | 16th: Hearings— |
| September 17 | 514-S | 9:00 a.m. | the 1990's | representatives from American Medical Association, Kansas Academy of Family Physicians; Kansas AFL-CIO; Kansas Employer Coalition on Health; and American Nurses Association. |
| | | | | 17th: Hearings— |
| | | | | representatives from Kansas Blue Cross/Blue Shield; Central-Kansas Association of Health Underwriters; |

| | | | |
|--------------|-------|------------|----------------------------|
| September 16 | 313-S | 10:00 a.m. | Special Committee on |
| September 17 | 313-S | 9:00 a.m. | Judiciary |
| September 18 | 527-S | 10:00 a.m. | Apportionment Task Force |
| September 18 | 529-S | 10:00 a.m. | SRS Task Force Finance |
| September 19 | 529-S | 9:00 a.m. | Subcommittee |
| September 19 | 531-N | 10:00 a.m. | Joint Committee on Special |
| September 20 | 531-N | 9:00 a.m. | Claims Against the State |
| September 19 | 514-S | 10:00 a.m. | Joint Committee on State |
| September 20 | 514-S | 9:00 a.m. | Building Construction |
| September 19 | 526-S | 10:00 a.m. | Legislative Educational |
| September 20 | 526-S | 9:00 a.m. | Planning Committee |
| September 19 | 521-S | 10:00 a.m. | SRS Task Force Prevention |
| September 20 | 521-S | 9:00 a.m. | Subcommittee |
| September 19 | 123-S | 10:00 a.m. | Joint Committee on KPERS |
| September 20 | 123-S | 9:00 a.m. | Investment Practices |

Sedgwick County Cost
Containment Round Table;
KDHE; and Kansas
University.

Proposal No. 15—Judicial
Administration.

Agenda not available.

Agenda not available.

Hearings on claims filed to
date.

Agenda not available.

Agenda not available.

Agenda not available.

Agenda not available.

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 011047

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

| Reg. No. | Action | Register |
|----------|---------|--------------------|
| 1-9-7a | Amended | V. 10, p. 382, 760 |

AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 5-23-3 | Amended | V. 10, p. 1194 |
| 5-23-4a | New | V. 10, p. 1195 |
| 5-24-2 | Amended | V. 10, p. 976 |
| 5-24-5 | Amended | V. 10, p. 977 |

AGENCY 7: SECRETARY OF STATE

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 7-30-1 | Amended | V. 10, p. 728 |
| 7-32-1 | Amended | V. 10, p. 728 |
| 7-32-2 | New | V. 10, p. 728 |

AGENCY 9: ANIMAL HEALTH DEPARTMENT

| Reg. No. | Action | Register |
|-----------------------------|---------|----------------|
| 9-13-1 through 9-13-3 | Revoked | V. 10, p. 1011 |
| 9-13-4 | Revoked | V. 10, p. 257 |
| 9-18-1 | Amended | V. 10, p. 1011 |
| 9-19-1 | New | V. 10, p. 1011 |

AGENCY 14: DEPARTMENT OF REVENUE— DIVISION OF ALCOHOLIC BEVERAGE CONTROL

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 14-19-24 | Amended | V. 10, p. 689 |
| 14-19-36 | Amended | V. 10, p. 689 |
| 14-20-25 | Amended | V. 10, p. 689 |
| 14-20-26 | Amended | V. 10, p. 690 |
| 14-21-9 | Amended | V. 10, p. 690 |
| 14-22-6 | Amended | V. 10, p. 690 |
| 14-22-9 | Amended | V. 10, p. 691 |
| 14-23-4 | Amended | V. 10, p. 691 |

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 23-3-16 | Revoked | V. 10, p. 916 |
| 23-8-24 | Revoked | V. 10, p. 916 |
| 23-12-1 | Revoked | V. 10, p. 916 |
| 23-12-8 | Revoked | V. 10, p. 916 |
| 23-12-11 | Revoked | V. 10, p. 917 |

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 25-4-1 | Amended | V. 10, p. 405 |

AGENCY 26: DEPARTMENT ON AGING

| Reg. No. | Action | Register |
|------------------------------|--------|---------------------|
| 26-8-1 through 26-8-14 | New | V. 10, p. 1285-1287 |

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

| Reg. No. | Action | Register |
|-------------------------------|---------|----------------|
| 28-4-405 | Amended | V. 10, p. 257 |
| 28-4-530 | New | V. 10, p. 1246 |
| 28-4-531 | New | V. 10, p. 1246 |
| 28-17-6 | Amended | V. 10, p. 1246 |
| 28-17-12 | Amended | V. 10, p. 1246 |
| 28-19-61 | Amended | V. 10, p. 1246 |
| 28-19-62 | Amended | V. 10, p. 1250 |
| 28-19-76 | New | V. 10, p. 1251 |
| 28-19-77 | New | V. 10, p. 1252 |
| 28-19-78 | New | V. 10, p. 1254 |
| 28-53-1 through 28-53-5 | New | V. 10, p. 199 |

28-59-1
through
28-59-8

New

V. 10, p. 111-113

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 30-4-34 | Amended | V. 10, p. 956 |
| 30-4-41 | Amended | V. 10, p. 692 |
| 30-4-63 | Amended | V. 10, p. 1288 |
| 30-4-64 | Amended | V. 10, p. 1289 |
| 30-4-90 | Amended | V. 10, p. 959 |
| 30-4-101 | Amended | V. 10, p. 961 |
| 30-4-111 | Amended | V. 10, p. 341 |
| 30-4-112 | Amended | V. 10, p. 692 |
| 30-4-113 | Amended | V. 10, p. 693 |
| 30-4-120 | Amended | V. 10, p. 343 |
| 30-4-130 | Amended | V. 10, p. 961 |
| 30-5-58 | Amended | V. 10, p. 693 |
| 30-5-77 | Amended | V. 10, p. 1291 |
| 30-5-78 | New | V. 10, p. 1297 |
| 30-5-79 | New | V. 10, p. 1297 |
| 30-5-81 | Amended | V. 10, p. 699 |
| 30-5-86 | Amended | V. 10, p. 699 |
| 30-5-88 | Amended | V. 10, p. 700 |
| 30-5-92 | Amended | V. 10, p. 344 |
| 30-5-94 | Amended | V. 10, p. 345 |
| 30-5-95 | Amended | V. 10, p. 346 |
| 30-5-101 | Amended | V. 10, p. 1298 |
| 30-5-103 | Amended | V. 10, p. 1298 |
| 30-5-104 | Amended | V. 10, p. 701 |
| 30-5-112 | Amended | V. 10, p. 963 |
| 30-5-113 | Amended | V. 10, p. 963 |
| 30-5-114 | Amended | V. 10, p. 963 |
| 30-5-115 | Amended | V. 10, p. 963 |
| 30-5-151 | Amended | V. 10, p. 963 |
| 30-5-152 | Amended | V. 10, p. 963 |
| 30-5-154 | Amended | V. 10, p. 963 |
| 30-5-156 | Amended | V. 10, p. 963 |
| 30-5-157 | Amended | V. 10, p. 964 |
| 30-5-159 | Amended | V. 10, p. 964 |
| 30-5-160 | Amended | V. 10, p. 964 |
| 30-5-161 | Amended | V. 10, p. 964 |
| 30-5-162 | Amended | V. 10, p. 964 |
| 30-5-163 | Amended | V. 10, p. 964 |
| 30-5-164 | Amended | V. 10, p. 964 |
| 30-5-166 | Amended | V. 10, p. 964 |

(continued)

| | | |
|-----------|---------|-----------------|
| 30-5-167 | Amended | V. 10, p. 964 |
| 30-5-168 | Amended | V. 10, p. 964 |
| 30-5-169 | Amended | V. 10, p. 964 |
| 30-5-170 | Amended | V. 10, p. 965 |
| 30-5-171 | Amended | V. 10, p. 965 |
| 30-6-53 | Amended | V. 10, p. 1298 |
| 30-6-65 | Amended | V. 10, p. 346 |
| 30-6-74 | Revoked | V. 10, p. 1299 |
| 30-6-77 | Amended | V. 10, p. 701 |
| 30-6-82 | New | V. 10, p. 702 |
| 30-6-86 | Amended | V. 10, p. 348 |
| 30-6-103 | Amended | V. 10, p. 702 |
| 30-6-106 | Amended | V. 10, p. 1299 |
| 30-6-107 | Amended | V. 10, p. 705 |
| 30-6-111 | Amended | V. 10, p. 351 |
| 30-6-112 | Amended | V. 10, p. 705 |
| 30-6-113 | Amended | V. 10, p. 706 |
| 30-7-65 | Amended | V. 10, p. 707 |
| 30-10-7 | Amended | V. 10, p. 354 |
| 30-10-15a | Amended | V. 10, p. 708 |
| 30-10-16 | Amended | V. 10, p. 709 |
| 30-10-29 | Amended | V. 10, p. 354 |
| 30-10-30 | Revoked | V. 10, p. 355 |
| 30-10-200 | Amended | V. 10, p. 1198 |
| 30-10-207 | Amended | V. 10, p. 1200 |
| 30-10-208 | Amended | V. 10, p. 1200 |
| 30-10-210 | through | |
| 30-10-226 | New | V. 10, p. 48-57 |
| 30-10-210 | Amended | V. 10, p. 1202 |
| 30-10-211 | Amended | V. 10, p. 1203 |
| 30-10-212 | Amended | V. 10, p. 1204 |
| 30-10-213 | Amended | V. 10, p. 1204 |
| 30-10-214 | Amended | V. 10, p. 1230 |
| 30-10-215 | Amended | V. 10, p. 1206 |
| 30-10-217 | Amended | V. 10, p. 1206 |
| 30-10-218 | Amended | V. 10, p. 1207 |
| 30-10-219 | Amended | V. 10, p. 1207 |
| 30-10-220 | Amended | V. 10, p. 1208 |
| 30-10-221 | Amended | V. 10, p. 1208 |
| 30-10-226 | Revoked | V. 10, p. 1209 |
| 30-41-1 | Amended | V. 10, p. 710 |
| 30-41-7a | Amended | V. 10, p. 711 |
| 30-41-7i | New | V. 10, p. 711 |
| 30-41-20 | New | V. 10, p. 711 |

AGENCY 36: DEPARTMENT OF TRANSPORTATION

| Reg. No. | Action | Register |
|----------|---------|-----------------|
| 36-1-1 | Amended | V. 10, p. 88 |
| 36-1-28 | through | |
| 36-1-34 | New | V. 10, p. 88-91 |

AGENCY 40: KANSAS INSURANCE DEPARTMENT

| Reg. No. | Action | Register |
|----------|--------|--------------------|
| 40-2-20 | New | V. 10, p. 259, 383 |
| 40-3-46 | New | V. 10, p. 381 |
| 40-3-47 | New | V. 10, p. 381 |

AGENCY 44: DEPARTMENT OF CORRECTIONS

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 44-6-106 | Amended | V. 10, p. 1195 |
| 44-6-108 | Amended | V. 10, p. 1195 |
| 44-6-114c | Amended | V. 10, p. 1196 |
| 44-6-120 | Amended | V. 10, p. 1196 |
| 44-6-124 | Amended | V. 10, p. 1196 |
| 44-6-126 | Amended | V. 10, p. 1197 |
| 44-6-133 | Amended | V. 10, p. 1197 |
| 44-6-134 | Amended | V. 10, p. 1197 |
| 44-6-135 | Amended | V. 10, p. 1197 |
| 44-6-142 | Amended | V. 10, p. 1198 |

AGENCY 60: BOARD OF NURSING

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 60-3-105 | Amended | V. 10, p. 1040 |
| 60-3-106 | Amended | V. 10, p. 1040 |
| 60-8-101 | Amended | V. 10, p. 496 |
| 60-9-101 | Amended | V. 10, p. 1040 |
| 60-9-102 | Amended | V. 10, p. 1040 |
| 60-9-103 | Amended | V. 10, p. 1041 |
| 60-9-105 | New | V. 10, p. 1041 |
| 60-9-106 | New | V. 10, p. 1041 |
| 60-9-109 | New | V. 10, p. 1041 |

| | | |
|-----------|---------|----------------|
| 60-11-103 | Amended | V. 10, p. 1041 |
| 60-11-110 | Revoked | V. 10, p. 1042 |
| 60-11-111 | Revoked | V. 10, p. 1042 |
| 60-11-112 | New | V. 10, p. 1042 |
| 60-11-113 | New | V. 10, p. 1042 |
| 60-11-116 | New | V. 10, p. 1042 |
| 60-11-117 | New | V. 10, p. 1042 |
| 60-11-118 | New | V. 10, p. 1042 |
| 60-11-119 | New | V. 10, p. 1043 |
| 60-12-101 | Revoked | V. 10, p. 1043 |
| 60-12-102 | Revoked | V. 10, p. 1043 |
| 60-12-103 | Revoked | V. 10, p. 1043 |
| 60-12-105 | New | V. 10, p. 1043 |
| 60-12-106 | New | V. 10, p. 1043 |
| 60-12-109 | New | V. 10, p. 1043 |
| 60-13-101 | Amended | V. 10, p. 496 |
| 60-13-105 | Revoked | V. 10, p. 1044 |
| 60-13-106 | Revoked | V. 10, p. 1044 |
| 60-13-107 | Revoked | V. 10, p. 1044 |
| 60-13-108 | Revoked | V. 10, p. 1044 |
| 60-13-110 | New | V. 10, p. 1044 |
| 60-13-111 | New | V. 10, p. 1044 |
| 60-13-112 | New | V. 10, p. 1044 |
| 60-13-115 | New | V. 10, p. 1044 |
| 60-15-101 | Amended | V. 10, p. 1045 |
| 60-15-102 | Amended | V. 10, p. 1045 |
| 60-15-103 | Amended | V. 10, p. 1046 |
| 60-15-104 | Amended | V. 10, p. 1046 |

AGENCY 67: BOARD OF HEARING AID EXAMINERS

| Reg. No. | Action | Register |
|----------|--------|---------------|
| 67-3-4 | New | V. 10, p. 887 |

AGENCY 68: BOARD OF PHARMACY

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 68-7-10 | Amended | V. 10, p. 1082 |
| 68-9-1 | Amended | V. 10, p. 1083 |
| 68-11-1 | Amended | V. 10, p. 216 |
| 68-20-15a | Amended | V. 10, p. 1084 |
| 68-20-18 | Amended | V. 10, p. 1084 |
| 68-20-19 | Amended | V. 10, p. 1085 |

AGENCY 74: BOARD OF ACCOUNTANCY

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 74-2-7 | Amended | V. 10, p. 840 |
| 74-4-6 | Amended | V. 10, p. 841 |
| 74-5-2 | Amended | V. 10, p. 841 |
| 74-5-403 | Amended | V. 10, p. 842 |

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 81-2-1 | Amended | V. 10, p. 1242 |
| 81-3-1 | Amended | V. 10, p. 1242 |
| 81-3-2 | Amended | V. 10, p. 1244 |
| 81-4-1 | Amended | V. 10, p. 1245 |
| 81-4-2 | New | V. 10, p. 172 |
| 81-5-8 | Amended | V. 10, p. 1245 |
| 81-6-1 | Amended | V. 10, p. 173 |

AGENCY 82: STATE CORPORATION COMMISSION

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 82-3-101 | Amended | V. 10, p. 887 |
| 82-3-307 | Amended | V. 10, p. 976 |
| 82-3-600 | Amended | V. 10, p. 890 |
| 82-3-600b | New | V. 10, p. 890 |
| 82-3-601 | Revoked | V. 10, p. 891 |
| 82-3-601a | New | V. 10, p. 891 |
| 82-3-601b | New | V. 10, p. 891 |
| 82-3-602 | Amended | V. 10, p. 891 |
| 82-3-605 | New | V. 10, p. 892 |
| 82-4-1 | Amended | V. 10, p. 1121 |
| 82-4-2 | Amended | V. 10, p. 1121 |
| 82-4-3 | Amended | V. 10, p. 1122 |
| 82-4-6a | Amended | V. 10, p. 1122 |
| 82-4-6b | Revoked | V. 10, p. 1122 |
| 82-4-6d | Amended | V. 10, p. 1122 |
| 82-4-19a | Revoked | V. 10, p. 1123 |
| 82-4-20 | Amended | V. 10, p. 1123 |
| 82-4-27 | Amended | V. 10, p. 1123 |
| 82-4-27a | Amended | V. 10, p. 1124 |
| 82-4-27c | Amended | V. 10, p. 1124 |

AGENCY 86: REAL ESTATE COMMISSION

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 86-1-5 | Amended | V. 10, p. 531 |

AGENCY 91: DEPARTMENT OF EDUCATION

| Reg. No. | Action | Register |
|-----------|---------|--------------------|
| 91-1-68 | Revoked | V. 10, p. 1046 |
| 91-1-68a | New | V. 10, p. 1046 |
| 91-1-68b | New | V. 10, p. 1047 |
| 91-1-68c | New | V. 10, p. 1048 |
| 91-1-68d | New | V. 10, p. 1049 |
| 91-1-69 | Revoked | V. 10, p. 1050 |
| 91-1-101b | Amended | V. 10, p. 1050 |
| 91-1-112a | Amended | V. 10, p. 1051 |
| 91-1-150 | Amended | V. 10, p. 1051 |
| 91-10-1 | Revoked | V. 10, p. 1051 |
| 91-10-1a | New | V. 10, p. 1052 |
| 91-12-22 | Amended | V. 10, p. 1052 |
| 91-12-25 | Amended | V. 10, p. 1055 |
| 91-12-51 | Amended | V. 10, p. 1056 |
| 91-12-73 | Amended | V. 10, p. 1056 |
| 91-31-7 | Amended | V. 10, p. 686 |
| 91-35-1 | through | |
| 91-35-4 | New | V. 10, p. 909, 910 |
| 91-37-1 | through | |
| 91-37-4 | New | V. 10, p. 910, 911 |

AGENCY 92: DEPARTMENT OF REVENUE

| Reg. No. | Action | Register |
|----------|---------|--------------------|
| 92-55-2a | Amended | V. 10, p. 531, 587 |

AGENCY 100: BOARD OF HEALING ARTS

| Reg. No. | Action | Register |
|-----------|---------|---------------|
| 100-10a-4 | Amended | V. 10, p. 653 |
| 100-11-1 | Amended | V. 10, p. 653 |

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

| Reg. No. | Action | Register |
|----------|---------|--------------|
| 102-2-1a | Amended | V. 10, p. 32 |
| 102-2-2a | Amended | V. 10, p. 33 |
| 102-2-4a | Amended | V. 10, p. 34 |
| 102-2-7 | Amended | V. 10, p. 34 |
| 102-2-8 | Amended | V. 10, p. 36 |
| 102-2-12 | Amended | V. 10, p. 36 |
| 102-3-1 | New | V. 10, p. 37 |
| 102-3-3 | New | V. 10, p. 37 |
| 102-3-4 | New | V. 10, p. 38 |
| 102-3-5 | New | V. 10, p. 38 |
| 102-3-6 | New | V. 10, p. 39 |
| 102-3-10 | New | V. 10, p. 40 |
| 102-3-11 | New | V. 10, p. 41 |
| 102-4-4 | Amended | V. 10, p. 41 |

AGENCY 111: THE KANSAS LOTTERY

| Reg. No. | Action | Register |
|----------|---------|------------------|
| 111-1-2 | Amended | V. 7, p. 1190 |
| 111-1-5 | Amended | V. 8, p. 586 |
| 111-2-1 | Amended | V. 7, p. 1995 |
| 111-2-2 | Amended | V. 9, p. 1675 |
| 111-2-2a | Revoked | V. 9, p. 1675 |
| 111-2-6 | New | V. 8, p. 134 |
| 111-2-7 | Revoked | V. 10, p. 1210 |
| 111-2-13 | Revoked | V. 10, p. 881 |
| 111-2-14 | New | V. 9, p. 30 |
| 111-2-15 | Revoked | V. 10, p. 881 |
| 111-2-16 | Revoked | V. 10, p. 1210 |
| 111-2-17 | Revoked | V. 10, p. 1210 |
| 111-2-18 | New | V. 10, p. 881 |
| 111-2-19 | New | V. 10, p. 882 |
| 111-3-1 | Amended | V. 10, p. 1210 |
| 111-3-9 | Amended | V. 8, p. 1085 |
| 111-3-10 | through | |
| 111-3-31 | New | V. 7, p. 201-206 |
| 111-3-11 | Amended | V. 8, p. 299 |
| 111-3-12 | Amended | V. 10, p. 12 |
| 111-3-13 | Amended | V. 10, p. 1014 |
| 111-3-14 | Amended | V. 10, p. 12 |
| 111-3-16 | Amended | V. 9, p. 1566 |
| 111-3-19 | through | |
| 111-3-22 | Amended | V. 9, p. 30 |

| | | | | | | | | |
|------------|---------|---------------------|-----------|---------|----------------------|--|---------|-------------------------|
| 111-3-20 | Amended | V. 10, p. 1211 | 111-4-282 | | | 111-9-25 | | |
| 111-3-21 | Amended | V. 10, p. 882 | through | | | through | | |
| 111-3-22 | Amended | V. 10, p. 882 | 111-4-286 | New | V. 10, p. 759 | 111-9-30 | New | V. 9, p. 699, 700 |
| 111-3-23 | Revoked | V. 10, p. 883 | 111-4-287 | | | 111-9-31 | | |
| 111-3-25 | Amended | V. 10, p. 883 | through | | | through | | |
| 111-3-27 | Amended | V. 10, p. 883 | 111-4-300 | New | V. 10, p. 883-886 | 111-9-36 | New | V. 10, p. 262 |
| 111-3-29 | Amended | V. 10, p. 883 | 111-4-301 | | | 111-10-1 | | |
| 111-3-31 | Amended | V. 8, p. 209 | through | | | through | | |
| 111-3-32 | Amended | V. 10, p. 883 | 111-4-307 | New | V. 10, p. 1015, 1016 | 111-10-9 | New | V. 8, p. 136-138 |
| 111-3-33 | New | V. 7, p. 1434 | 111-4-308 | | | 111-10-7 | Amended | V. 8, p. 301 |
| 111-4-1 | Amended | V. 8, p. 134 | through | | | AGENCY 112: KANSAS RACING COMMISSION | | |
| 111-4-2 | Amended | V. 7, p. 1063 | 111-4-320 | New | V. 10, p. 1214, 1215 | Reg. No. | Action | Register |
| 111-4-4 | Amended | V. 7, p. 1063 | 111-5-1 | | | 112-4-14b | New | V. 10, p. 162 |
| 111-4-6 | Amended | V. 7, p. 1434 | through | | | 112-4-21 | New | V. 10, p. 162 |
| 111-4-7 | Amended | V. 7, p. 1945 | 111-5-23 | New | V. 7, p. 209-213 | 112-6-1 | | |
| 111-4-8 | Amended | V. 7, p. 1064 | 111-5-9 | | | through | | |
| 111-4-12 | Amended | V. 7, p. 1190 | 111-5-15 | Amended | V. 8, p. 210, 211 | 112-6-5 | Amended | V. 10, p. 163-165 |
| 111-4-66 | | | 111-5-11 | Amended | V. 9, p. 505 | 112-6-8 | Amended | V. 10, p. 165 |
| 111-4-77 | New | V. 7, p. 207-209 | 111-5-17 | Amended | V. 8, p. 211 | 112-7-6 | Amended | V. 10, p. 165 |
| 111-4-96 | | | 111-5-18 | Amended | V. 10, p. 13 | 112-8-3 | Amended | V. 10, p. 166 |
| through | | | 111-5-19 | Amended | V. 8, p. 212 | 112-8-4 | Amended | V. 10, p. 167 |
| 111-4-114 | New | V. 7, p. 1606-1610 | 111-6-1 | | | 112-8-5 | Amended | V. 10, p. 167 |
| 111-4-100 | Amended | V. 10, p. 1211 | through | | | 112-8-8 | Amended | V. 10, p. 168 |
| 111-4-101 | Amended | V. 10, p. 1211 | 111-6-15 | New | V. 7, p. 213-217 | 112-8-10 | Amended | V. 10, p. 168 |
| 111-4-102 | Amended | V. 10, p. 1211 | 111-6-1 | Amended | V. 10, p. 14 | 112-10-34 | Amended | V. 10, p. 169 |
| 111-4-103 | Amended | V. 10, p. 1211 | 111-6-3 | Amended | V. 9, p. 200 | 112-10-35 | Amended | V. 10, p. 170 |
| 111-4-104 | Amended | V. 10, p. 1212 | 111-6-5 | Amended | V. 10, p. 14 | 112-11-21 | Amended | V. 10, p. 263, 531 |
| 111-4-105 | Amended | V. 10, p. 1212 | 111-6-6 | Amended | V. 10, p. 1216 | 112-12-12 | Amended | V. 10, p. 170 |
| 111-4-106 | Amended | V. 10, p. 1212 | 111-6-9 | Amended | V. 10, p. 1217 | 112-13-2 | Amended | V. 10, p. 170 |
| 111-4-106a | Amended | V. 10, p. 1213 | 111-6-12 | Amended | V. 8, p. 212 | 112-13-4 | New | V. 10, p. 171 |
| 111-4-107 | Amended | V. 9, p. 1366 | 111-6-13 | Amended | V. 8, p. 299 | 112-13-5 | New | V. 10, p. 171 |
| 111-4-108 | Amended | V. 10, p. 1213 | 111-6-17 | New | V. 7, p. 1191 | 112-16-1 | | |
| 111-4-111 | Amended | V. 9, p. 1366 | 111-7-1 | | | through | | |
| 111-4-113 | Amended | V. 9, p. 1366 | through | | | 112-16-14 | New | V. 10, p. 1012, 1013 |
| 111-4-114 | Amended | V. 9, p. 1366 | 111-7-10 | New | V. 7, p. 1192, 1193 | AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS | | |
| 111-4-153 | | | 111-7-1 | Amended | V. 8, p. 212 | Reg. No. | Action | Register |
| through | | | 111-7-3 | Amended | V. 9, p. 986 | 115-4-1 | Amended | V. 10, p. 458 |
| 111-4-160 | Revoked | V. 9, p. 1676, 1677 | 111-7-4 | Amended | V. 9, p. 1367 | 115-4-3 | Amended | V. 10, p. 458 |
| 111-4-177 | | | 111-7-5 | Amended | V. 9, p. 986 | 115-4-5 | Amended | V. 10, p. 782 |
| through | | | 111-7-6 | Amended | V. 9, p. 987 | 115-4-7 | Amended | V. 10, p. 460 |
| 111-4-212 | Revoked | V. 9, p. 1677, 1678 | 111-7-9 | Amended | V. 9, p. 1569 | 115-4-11 | Amended | V. 10, p. 461 |
| 111-4-213 | | | 111-7-11 | Amended | V. 9, p. 987 | 115-4-12 | New | V. 10, p. 461 |
| through | | | 111-7-12 | | | 115-13-1 | | |
| 111-4-220 | Revoked | V. 10, p. 1213 | through | | | 115-13-5 | New | V. 10, p. 917-919 |
| 111-4-217 | Amended | V. 9, p. 986 | 111-7-32 | New | V. 7, p. 1194-1196 | 115-17-10 | | |
| 111-4-221 | | | 111-7-33 | | | through | | |
| 111-4-224 | New | V. 9, p. 1197 | through | | | 115-17-13 | New | V. 10, p. 461, 462 |
| 111-4-225 | | | 111-7-43 | New | V. 7, p. 1197, 1198 | AGENCY 117: REAL ESTATE APPRAISAL BOARD | | |
| through | | | 111-7-33a | New | V. 8, p. 300 | Reg. No. | Action | Register |
| 111-4-228 | New | V. 9, p. 1366, 1367 | 111-7-44 | | | 117-1-1 | Amended | V. 10, p. 911, 951 |
| 111-4-229 | | | through | | | 117-2-1 | Amended | V. 10, p. 911, 952 |
| 111-4-236 | New | V. 9, p. 1566-1568 | 111-7-54 | New | V. 9, p. 1367-1370 | 117-2-2 | Amended | V. 10, p. 912, 952 |
| 111-4-237 | | | 111-7-55 | | | 117-2-3 | New | V. 10, p. 912, 952 |
| through | | | 111-7-63 | Revoked | V. 10, p. 1217 | 117-2-4 | New | V. 10, p. 912, 952 |
| 111-4-240 | New | V. 9, p. 1678, 1679 | 111-7-58 | Amended | V. 10, p. 261 | 117-3-1 | Amended | V. 10, p. 912, 953 |
| 111-4-241 | | | 111-7-60 | Amended | V. 10, p. 262 | 117-3-2 | Amended | V. 10, p. 913, 953 |
| through | | | 111-8-1 | New | V. 7, p. 1633 | 117-3-3 | New | V. 10, p. 913, 953 |
| 111-4-244 | New | V. 9, p. 1812 | 111-8-2 | New | V. 7, p. 1633 | 117-3-4 | New | V. 10, p. 913, 953 |
| 111-4-245 | | | 111-8-3 | Amended | V. 10, p. 886 | 117-4-1 | | |
| through | | | 111-8-4 | New | V. 7, p. 1714 | through | | |
| 111-4-248 | New | V. 10, p. 200 | 111-8-4a | New | V. 7, p. 1995 | 117-4-4 | New | V. 10, p. 913, 914, 954 |
| 111-4-249 | | | 111-8-5 | | | 117-6-1 | Amended | V. 10, p. 914, 954 |
| through | | | through | | | 117-6-2 | Amended | V. 10, p. 915, 955 |
| 111-4-252 | New | V. 9, p. 1813 | 111-8-13 | New | V. 7, p. 1634 | 117-6-3 | Amended | V. 10, p. 915, 955 |
| 111-4-253 | | | 111-9-1 | | | 117-7-1 | Amended | V. 10, p. 916, 956 |
| through | | | through | | | 117-8-1 | New | V. 10, p. 916, 956 |
| 111-4-256 | New | V. 10, p. 530 | 111-9-12 | New | V. 7, p. 1714-1716 | 117-9-1 | New | V. 10, p. 916, 956 |
| 111-4-257 | | | 111-9-1 | | | AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY | | |
| through | | | through | | | Reg. No. | Action | Register |
| 111-4-280 | New | V. 10, p. 755-759 | 111-9-6 | Revoked | V. 9, p. 1680 | 119-1-1 | New | V. 10, p. 263 |
| 111-4-257 | Amended | V. 10, p. 1014 | 111-9-13 | | | 119-1-2 | New | V. 10, p. 264 |
| 111-4-261 | Amended | V. 10, p. 1014 | through | | | 119-1-3 | New | V. 10, p. 264 |
| 111-4-262 | Amended | V. 10, p. 1014 | 111-9-18 | Revoked | V. 9, p. 1680 | | | |

**Kansas Register
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscriptions @ \$60 ea.
(Kansas residents must include
\$3.15 state and local sales tax.)**

Total Enclosed _____
(Make checks payable to the Kansas Register)

Send to:

(Please, no
more than
4 address
lines.)

Zip code must be included

Rec. No. _____ Exp. _____ Code _____

This space for Register office use only.

Use this form or a copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:

**Indicate change of name or address
here:**

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,
State Capitol, Topeka, KS 66612-1594**